Same-sex marriage

Same-sex marriage (also known as **gay marriage**) is the marriage of two persons of the same sex or gender, entered into in a civil or religious ceremony.

As of 1 January 2019, same-sex marriage is legally performed and recognized (nationwide or in some jurisdictions) in Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico,[a] the Netherlands,[b] New Zealand,[c] Norway, Portugal, South Africa, Spain, Sweden, the United Kingdom,[d] the United States,[e] and Uruguay. Israel recognizes same-sex marriages entered into abroad as full marriages. Estonia recognizes foreign same-sex marriages to some degree, and a ministerial decision decreed that Armenia shall as well, though as of February 2019 there had been no actual cases. Same-sex marriage is also due to become legal in Costa Rica and Taiwan.[f][1] Furthermore, the Inter-American Court of Human Rights has issued a ruling which is expected to facilitate recognition in several countries in the Americas.[g][2]

The introduction of same-sex marriage (also called **marriage equality**) has varied by jurisdiction, and came about through legislative change to marriage law, court rulings based on constitutional guarantees of equality, recognition that it is allowed by existing marriage law,[3] or by direct popular vote (via referendums and initiatives). The recognition of same-sex marriage is considered to be a human right and a civil right as well as a political, social, and religious issue.[4] The most prominent supporters of same-sex marriage are human rights and civil rights organizations as well as the medical and scientific communities, while the most prominent opponents are religious groups. Polls consistently show continually rising support for the recognition of same-sex marriage in all developed democracies and in some developing democracies.

Scientific studies show that the financial, psychological, and physical well-being of gay people are enhanced by marriage, and that the children of same-sex parents benefit from being raised by married same-sex couples within a marital union that is recognized by law and supported by societal institutions.[5] Social science research indicates that the exclusion of homosexuals from marriage stigmatizes and invites public discrimination against them, with research also repudiating the notion that either civilization or viable social orders depend upon restricting marriage to heterosexuals.[6] Same-sex marriage can provide those in committed same-sex relationships with relevant government services and make financial demands on them comparable to that required of those in opposite-sex marriages, and also gives them legal protections such as inheritance and hospital visitation rights.[7]

Opposition to same-sex marriage is based on claims such as that homosexuality is unnatural and abnormal, that the recognition of same-sex unions will promote homosexuality in society, and that children are better off when raised by opposite-sex couples.[8] These claims are refuted by science which shows that homosexuality is a natural and normal variation in human sexuality, that sexual orientation is not a choice, and that the children of same-sex couples fare just as well or even better than the children of opposite-sex couples.[9]

A study of nationwide data from across the United States from January 1999 to December 2015 revealed that the establishment of same-sex marriage is associated with a significant reduction in the rate of attempted suicide among children, with the effect being concentrated among children of a minority sexual orientation, resulting in approximately 134,000 fewer children attempting suicide each year in the United States.

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Terminology

Alternative terms

Some proponents of legal recognition of same-sex marriage, such as Freedom to Marry and Canadians for Equal Marriage, use the terms *marriage equality* and *equal marriage* to indicate that they seek the recognition of same-sex marriage on equal ground with opposite-sex marriage as opposed to special rights.[10][11][12][13][14][15][16]

The AP Stylebook recommends the usage of the phrase *marriage for gays and lesbians* or the term *gay marriage* in space-limited headlines. The Associated Press warns that the construct *gay marriage* can imply that the marriages of same-sex couples are somehow different from the marriages of opposite-sex couples.[17][18]

Use of the term *marriage*

Anthropologists have struggled to determine a definition of marriage that absorbs commonalities of the social construct across cultures around the world.[19][20] Many proposed definitions have been criticized for failing to recognize the existence of same-sex marriage in some cultures, including in more than 30 African cultures, such as the Kikuyu and Nuer.[20][21][22]

With several countries revising their marriage laws to recognize same-sex couples in the 21st century, all major English dictionaries have revised their definition of the word marriage to either drop gender specifications or supplement them with secondary definitions to include gender-neutral language or explicit recognition of same-sex unions.[23][24] The *Oxford English Dictionary* has recognized same-sex marriage since 2000.[25]

Opponents of same-sex marriage, who want marriage to be restricted to heterosexuals, such as The Church of Jesus Christ of Latter-day Saints, the Catholic Church, and the Southern Baptist Convention, use the term *traditional marriage* to mean opposite-sex marriage.[26]

Debate

Support

In the United States and Canada, professional organizations including the American Anthropological Association, the American Academy of Pediatrics, the American Medical Association, the American Academy of Nursing, the American Psychological Association, the American Psychiatric Association, the Canadian Psychological Association, the American Sociological Association, the National Association of Social Workers, the American Psychoanalytic Association, the American Association for Marriage and Family Therapy, and the American Academy of Family Physicians have stated that the scientific evidence supports the following conclusions: homosexuality is a natural and normal human sexuality, sexual orientation is not a choice, gay people form stable and committed relationships that are essentially equivalent to the relationships of heterosexuals, same-sex parents are no less capable than opposite-sex parents to raise children, no civilization or viable social order depends on restricting marriage to heterosexuals, and the childre of same-sex couples fare just as well or even better than the children of opposite-sex couples.[9]

Prominent figures in the civil rights movement have expressed their support for same-sex marriage. In 2004, Coretta Scott King, a leader of the civil rights movement and the widow of Martin Luther King Jr., expressed her support for same-sex marriage and publicly denounced attempts to define marriage as the "union of a man and a woman" as a form of "gay bashing".[27] In 2007, Mildred Loving, the joint plaintiff alongside her husband Richard

Loving in the landmark civil rights case of *Loving v. Virginia* in 1967, in which the Supreme Court of the United States struck down all state bans on inter-racial marriage, issued a statement on the 40th anniversary of the ruling in which she expressed her support for same-sex marriage and described it as a civil right akin to inter-racial marriage, stating that "I believe all Americans, no matter their race, no matter their sex, no matter their sexual orientation, should have that same freedom to marry".[28] In 2009, Julian Bond, a leader of the civil rights movement and a chairman of the NAACP, expressed his support for same-sex marriage and stated that "gay rights are civil rights".[29] In 2015, John Lewis, a leader of the civil rights movement and a chairman of the SNCC, welcomed the outcome of the landmark civil rights case of *Obergefell v. Hodges* in which the Supreme Court of the United States struck down all state bans on same-sex marriage, stating that "races don't fall in love, genders don't fall in love—people fall in love".[30]

The NAACP, the leading African-American civil rights organization, has pledged its support for gay rights and same-sex marriage, stating that they "support marriage equality consistent with equal protection under the law provided under the Fourteenth Amendment of the United States Constitution", and has declared that same-sex marriage is a civil right.[31]

The Human Rights Campaign, the largest LGBT rights organization in the United States, states that "many same-sex couples want the right to legally marry because they are in love—many, in fact, have spent the last 10, 20 or 50 years with that person—and they want to honor their relationship in the greatest way our society has to offer, by making a public commitment to stand together in good times and bad, through all the joys and challenges family life brings."[32]

Journalist Gail Mathabane likens prohibitions on same-sex marriage to past prohibitions on interracial marriage in the United States.[33] Author Fernando Espuelas argues that same-sex marriage should be allowed because it recognizes the civil right of a minority.[34] Historian Nancy Cott rejects alternatives to same-sex marriage (such as civil unions), reasoning that "there really is no comparison, because there is nothing that is like marriage except marriage."[35]

Opposition

Opposition to same-sex marriage is based on claims such as that homosexuality is unnatural and abnormal, that the recognition of same-sex unions will promote homosexuality in society, and that children are better off when raised by opposite-sex couples.[8] These claims are refuted by science, which shows that homosexuality is natural and normal, that sexual orientation is not a choice, and that the children of same-sex couples fare just as well or even better than the children of opposite-sex couples.[9]

Some of the opponents of same-sex marriage are religious groups such as The Church of Jesus Christ of Latter-day Saints, the Catholic Church, and the Southern Baptist Convention, all of which desire for marriage to remain restricted to opposite-sex couples.[26]

Studies

The American Anthropological Association stated on 26 February 2004:

> *The results of more than a century of anthropological research on households, kinship relationships, and families, across cultures and through time, provide no support whatsoever for the view that either civilization or viable social orders depend upon marriage as an exclusively heterosexual institution. Rather, anthropological research supports the conclusion that a vast array of family types, including families built upon same-sex partnerships, can contribute to stable and humane societies.*[36]
>
> — The American Anthropological Association

Research findings from 1998–2015 from the University of Virginia, Michigan State University, Florida State University, the University of Amsterdam, the New York State Psychiatric Institute, Stanford University, the University of California-San Francisco, the University of California-Los Angeles, Tufts University, Boston Medical Center, the Committee on Psychosocial Aspects of Child and Family Health, and independent researchers also support the findings of this study.[37]

Children

The establishment of same-sex marriage is associated with a significant reduction in the rate of attempted suicide among children, with the effect being concentrated among children of a minority sexual orientation. A study of nationwide data from across the United States from January 1999 to December 2015 revealed that the rate of attempted suicide among all schoolchildren in grades 9–12 declined by 7% and the rate of attempted suicide among schoolchildren of a minority sexual orientation in grades 9–12 declined by 14% in states which established same-sex marriage, resulting in approximately 134,000 fewer children attempting suicide each year in the United States. The researchers took advantage of the gradual manner in which same-sex marriage was established in the United States (expanding from one state in 2004 to all fifty states in 2015) to compare the rate of attempted suicide among children in each state over the time period studied. Once same-sex marriage was established in a particular state, the reduction in the rate of

attempted suicide among children in that state became permanent. No reduction in the rate of attempted suicide among children occurred in a particular state until that state recognized same-sex marriage. The lead researcher of the study observed that "laws that have the greatest impact on gay adults may make gay kids feel more hopeful for the future".[38][39][40][41][42]

Parenting

Professional organizations of psychologists have concluded that children stand to benefit from the well-being that results when their parents' relationship is recognized and supported by society's institutions, e.g. civil marriage. For example, the Canadian Psychological Association stated in 2006 that "parents' financial, psychological and physical well-being is enhanced by marriage and that children benefit from being raised by two parents within a legally-recognized union."[43] The CPA has stated that the stress encountered by gay and lesbian parents and their children are more likely the result of the way society treats them than because of any deficiencies in fitness to parent.[43]

The American Academy of Pediatrics concluded in 2006, in an analysis published in the journal *Pediatrics*:

> *There is ample evidence to show that children raised by same-gender parents fare as well as those raised by heterosexual parents. More than 25 years of research have documented that there is no relationship between parents' sexual orientation and any measure of a child's emotional, psychosocial, and behavioral adjustment. Conscientious and nurturing adults, whether they are men or women, heterosexual or homosexual, can be excellent parents. The rights, benefits, and protections of civil marriage can further strengthen these families.*[44]
>
> — The American Academy of Pediatrics

Health

In 2010, a Columbia University Mailman School of Public Health study examining the effects of institutional discrimination on the psychiatric health of lesbian, gay and bisexual (LGB) individuals found an increase in psychiatric disorders, including a more than doubling of anxiety disorders, among the LGB population living in states that instituted bans on same-sex marriage. According to the author, the study highlighted the importance of abolishing institutional forms of discrimination, including those leading to disparities in the mental health and well-being of LGB individuals. Institutional discrimination is characterized by societal-level conditions that limit the opportunities and access to resources by socially disadvantaged groups.[45][46]

The wedding ceremony of a same-sex couple in June 2006

Author and journalist Jonathan Rauch has argued that marriage is good for all men, whether homosexual or heterosexual, because engaging in its social roles reduces men's aggression and promiscuity.[47][48] The data of current psychological and other social science studies on same-sex marriage in comparison to mixed-sex marriage indicate that same-sex and mixed-sex relationships do not differ in their essential psychosocial dimensions; that a parent's sexual orientation is unrelated to their ability to provide a healthy and nurturing family environment; and that marriage bestows substantial psychological, social, and health benefits. Same-sex parents and carers and their children are likely to benefit in numerous ways from legal recognition of their families, and providing such recognition through marriage will bestow greater benefit than civil unions or domestic partnerships.[44][49]

The American Psychological Association stated in 2004: "Denial of access to marriage to same-sex couples may especially harm people who also experience discrimination based on age, race, ethnicity, disability, gender and gender identity, religion, socioeconomic status and so on." It has also averred that same-sex couples who may only enter into a civil union, as opposed to a marriage, "are denied equal access to all the benefits, rights, and privileges provided by federal law to those of married couples," which has adverse effects on the well-being of same-sex partners.[50]

In 2009, a pair of economists at Emory University tied the passage of state bans on same-sex marriage in the United States to an increase in the rates of HIV infection.[51][52] The study linked the passage of a same-sex marriage ban in a state to an increase in the annual HIV rate within that state of roughly 4 cases per 100,000 population.[53]

Public opinion

Numerous polls and studies on the issue have been conducted, including those that were completed throughout the first decade of the 21st century. A consistent trend of increasing support for same-sex marriage has been revealed across the world, often driven in large part by a significant generational gap in support. Polling that that been conducted in developed democracies in the first decade of the 21st century shows a majority of people in support of same-sex marriage. Support for legal same-sex marriage has increased across every age group, political ideology, religion, gender, race and region of various developed countries in the world.[54][55][56][57][58]

In the United States, continual polling by Gallup over the course of more than two decades has shown that support for same-sex marriage has grown rapidly, while opposition has simultaneously collapsed. In 1996, 68% of Americans opposed same-sex marriage, while only 27% supported. In 2018, 67% of Americans supported same-sex marriage, while only 31% opposed.[59]

Various detailed polls and studies on same-sex marriage that were conducted in several countries show that support for same-sex marriage significantly increases with higher levels of education and is also significantly stronger among younger generations, with a clear trend of continually increasing support.[60][61][62][63][64]

LGBT rainbow flag

Indicates the country/territory has legalized same-sex marriage nationwide

Indicates that same-sex marriage is legal in certain parts of the country

Indicates that the country has civil unions or registered partnerships

Indicates that same-sex sexual activity is illegal

Opinion polls for same-sex marriage by country

Country	Pollster	Year	For	Against	Neither[h]	Margin of error	Source
Antigua and Barbuda	Americasbarometer	2017	12%	-	-		[65]
Argentina	Americasbarometer	2017	**65%**	-	-		[65]
Armenia	Pew Research Center	2015	3%	**96%**	1%	±3%	[66][67]
Australia	Essential	2018	**65%**	26%	9%		[68]
Austria	Research Affairs	2018	**74%**	26%	-		[69]
Bahamas	AmericasBarometer	2014	11%	-	-		[70]
Belarus	Pew Research Center	2015	16%	**81%**	3%	±4%	[66][67]
Belize	AmericasBarometer	2014	8%	-	-		[70]
Belgium	Pew Research Center	2017	**82%**	10%	8%		[71]
Bosnia and Herzegovina	Pew Research Center	2015–2016	13%	**84%**	4%	±4%	[66][67]
Bolivia	AmericasBarometer	2017	35%	-	-		[65]
Brazil	Americasbarometer	2017	**52%**	-	-		[65]
Bulgaria	Pew Research Center	2015	18%	**79%**	3%	±4%	[66][67]
Cambodia	TNS Cambodia	2015	**55%**	30%	15%		[72]
Canada	CROP	2017	**74%**	26%	-		[73]
Chile	Plaza Pública-Cadem	2018	**65%**	32%	3%		[74]
Colombia	Gallup	2018	41%	**56%**	3%		[75]
Costa Rica	Americasbarometer	2017	35%	-	-		[65]
Croatia	Pew Research Center	2015–2016	31%	**64%**	5%	±4%	[66][67]
Cyprus	Eurobarometer	2015	37%	**56%**	7%		[76]
Czech Republic	CVVM	2018	**50%**	45%	5%		[77]
Denmark	Pew Research Center	2017	**86%**	9%	5%		[71]
Dominica	AmericasBarometer	2017	10%	-	-		[65]
Dominican Republic	CDN 37	2018	45%	**55%**	-		[78]
Ecuador	AmericasBarometer	2017	33%	-	-		[65]
El Salvador	AmericasBarometer	2017	19%	-	-		[65]
Estonia	Estonian Human Rights Center	2017	39%	**52%**	9%		[79]
Finland	Pew Research Center	2017	**64%**	26%	10%		[71]
France	Pew Research Center	2017	**73%**	23%	4%		[71]
Georgia	Pew Research Center	2016	3%	**95%**	2%	±4%	[66][67]
Germany	Pew Research Center	2017	**75%**	23%	2%		[71]
Greece	DiaNeosis	2016	**50%**	47%	3%		[80]
Grenada	Americasbarometer	2017	12%	-	-		[65]
Guatemala	AmericasBarometer	2017	23%	-	-		[65]
Guyana	AmericasBarometer	2017	21%	-	-		[70]
Haiti	AmericasBarometer	2017	5%	-	-		[65]
Honduras	CID Gallup	2018	17%	**75%**	8%		[81]
Hungary	Pew Research Center	2015–	27%	**64%**	9%	±4%	[66][67]

		2016					
Iceland	Gallup	2004	**87%**	-	-		[82]
India	Mood of the Nation	2019	24%	**62%**	14%		[83][84]
Ireland	Pew Research Center	2017	**66%**	27%	7%		[71]
Israel	Channel 10	2018	**58%**	-	-		[85]
Italy	Eurispes	2019	**51%**	-	-		[86]
Jamaica	AmericasBarometer	2017	16%	-	-		[65]
Japan	NHK	2017	**51%**	41%	8%		[87]
Kazakhstan	Pew Research Center	2016	7%	**89%**	4%		[66][67]
Latvia	Pew Research Center	2016	16%	**77%**	7%	±3%	[66][67]
Lithuania	Pew Research Center	2015–2016	12%	**85%**	4%	±4%	[66][67]
Luxembourg	Eurobarometer	2015	**75%**	20%	5%		[76]
Malta	Business Leaders Malta	2016	**61%**	25%	14%		[88]
Mexico	AmericasBarometer	2017	**51%**	-	-		[65]
Moldova	Pew Research Center	2015	5%	**92%**	3%	±4%	[66][67]
Netherlands	Pew Research Center	2017	**86%**	10%	4%		[71]
New Zealand	ONE News Colmar Brunton Poll	2012	**63%**	31%	5%		[89]
Nicaragua	AmericasBarometer	2017	25%	-	-		[65]
Norway	Pew Research Center	2017	**72%**	19%	9%		[71]
Panama	AmericasBarometer	2017	22%	-	-		[65]
Paraguay	AmericasBarometer	2017	26%	-	-		[65]
Peru	CPI	2017	13%	**82%**	4%		[90]
Philippines	SWS	2018	22%	**61%**	16%		[91]
Poland	IPSOS	2019	41%	**54%**	-		[92]
Portugal	Pew Research Center	2017	**59%**	28%	13%		[71]
Romania	Pew Research Center	2015	26%	**74%**	1%	±4%	[66][67]
Russia	Pew Research Center	2015	5%	**90%**	5%	±3%	[66][67]
Saint Kitts and Nevis	Americasbarometer	2017	9%	-	-		[65]
Saint Lucia	Americasbarometer	2017	11%	-	-		[65]
Saint Vincent and the Grenadines	Americasbarometer	2017	4%	-	-		[65]
Serbia	Pew Research Center	2015	12%	**83%**	5%	±4%	[66][67]
Singapore	OSC	2013	21%	**55%**	24%		[93]
Slovakia	Pew Research Center	2017	47%	47%	6%		[94]
Slovenia	Eurobarometer	2015	**54%**	40%	6%		[76]
South Africa	HSRC	2015	37%	46%	17%		[95]
South Korea	Gallup Korea	2017	41%	**52%**	6.1%		[96]
Spain	Pew Research Center	2017	**77%**	13%	10%		[71]
Suriname	AmericasBarometer	2014	18%	-	-		[70]
Sweden	Pew Research Center	2017	**88%**	7%	5%		[71]
Switzerland	Pew Research Center	2017	**75%**	24%	1%		[71]
	Taiwan Social Change Survey	2015	**54%**	37%	9%		

Taiwan							[97]
Thailand	NIDA Poll	2015	**59%**	35%	6%		[98]
Trinidad and Tobago	AmericasBarometer	2014	16%	-	-		[70]
Turkey	Ipsos	2015	27%	44%	29%		[99]
Ukraine	Pew Research Center	2015	9%	**85%**	6%	±4%	[66][67]
United Kingdom	Ipsos	2018	**73%**	21%[i]	6%		[100]
United States	Gallup	2018	**67%**	31%	2%		[101]
Uruguay	AmericasBarometer	2017	**75%**	-	-		[65]
Venezuela	AmericasBarometer	2017	39%	-	-		[65]
Vietnam	iSEE	2014	34%	**53%**	13%		[102]

Opinion polls for same-sex marriage by dependent territory

Country	Pollster	Year	For	Against	Neutral[h]	Margin of error	Source
Bermuda	Global Research	2015	48%	45%	7%		[103]
Faroe Islands	Gallup Føroyar	2016	**64%**	30%	6%		[104]
Guam	University of Guam	2015	**55%**	29%	16%		[105]
Hong Kong	CCPL	2018	**50%**	33%	17%		[106]
Northern Ireland	Sky Data	2018	**76%**	18%	6%		[107]
Puerto Rico	Pew Research Center	2014	33%	**55%**	12%		[108]

History

Ancient

A reference to same-sex marriage (by the Egyptians and Canaanites) exists in the Talmud. The Book of Leviticus prohibited homosexual relations (Lev. 18:22, 20:13), and the Jewish sages provide the reason for this as being that the Hebrews were warned not to "follow the acts of the land of Egypt or the acts of the land of Canaan." The sages explicitly state: "what did [the Egyptians and Canaanites] do? A man would marry a man and a woman [marry] a woman."[109]

What is arguably the first historical mention of the performance of same-sex marriages occurred during the early Roman Empire according to controversial[110] historian John Boswell.[111] These were usually reported in a critical or satirical manner.[112]

Child emperor Elagabalus referred to his chariot driver, a blond slave from Caria named Hierocles, as his husband.[113] He also married an athlete named Zoticus in a lavish public ceremony in Rome amidst the rejoicings of the citizens.[114][115][116]

The first Roman emperor to have married a man was Nero, who is reported to have married two other males on different occasions. The first was with one of Nero's own freedmen, Pythagoras, with whom Nero took the role of the bride.[117] Later, as a groom, Nero married Sporus, a young boy, to replace the adolescent female concubine he had killed[118][119] and married him in a very public ceremony with all the solemnities of matrimony, after which Sporus was forced to pretend to be the female concubine that Nero had killed and act as though they were really married.[118] A friend gave the "bride" away as required by law The marriage was celebrated in both Greece and Rome in extravagant public ceremonies.[120]

It should be noted, however, that *conubium* existed only between a *civis Romanus* and a *civis Romana* (that is, between a male Roman citizen and a female Roman citizen), so that a marriage between two Roman males (or with a slave) would have no legal standing in Roman law (apart, presumably, from the arbitrary will of the emperor in the two aforementioned cases).[121] Furthermore, according to Susan Treggiari, "*matrimonium* was then an institution involving a mother, *mater*. The idea implicit in the word is that a man took a woman in marriage, *in matrimonium ducere*, so that he might have children by her"[122]

In 342 AD, Christian emperors Constantius II and Constans issued a law in the Theodosian Code (*C. Th.* 9.7.3) prohibiting same-sex marriage in Rome and ordering execution for those so married.[123]

Contemporary

Historians typically trace the beginning of the modern movement in support of same-sex marriage to the Sexual revolution in the United States in the 1960s.[124][125]

In 1989, Denmark became the first country to recognize a legal relationship for same-sex couples, establishing registered partnerships, which gave those in same-sex relationships "most rights of married heterosexuals, but not the right to adopt or obtain joint custody of a child".[126] In 2001, the Netherlands[b] became the first country to establish same-sex marriage by law.[127] Since then same-sex marriage has also been established by law in Belgium (2003), Spain (2005), Canada (2005), South Africa (2006), Norway (2009), Sweden (2009), Portugal (2010), Iceland (2010), Argentina (2010), Denmark (2012), Brazil (2013), France (2013), Uruguay (2013), New Zealand[c] (2013), Luxembourg (2015), the United States[e] (2015), Ireland (2015), Colombia (2016), Finland (2017), Malta (2017), Germany (2017), Australia (2017) and Austria (2019). In Mexico, same-sex marriage is performed in several states and recognized in all thirty-one states.[a] In the United Kingdom same-sex marriage has been established law in England, Wales, and Scotland, but not yet in Northern Ireland[d]

In May 2017, the Judicial Yuan of Taiwan ruled that the right of same-sex couples to marry is guaranteed by the Constitution of Taiwan and that the Legislative Yuan of Taiwan has a grace period of two years to amend the marriage law to align with the Constitution after which same-sex marriage will automatically become established by law in Taiwan.[128]

In August 2018, the Supreme Court of Justice of Costa Rica ruled that the right of same-sex couples to marry is guaranteed by the American Convention on Human Rights, in line with a January 2018 ruling by the Inter-American Court of Human Rights, and that the Legislative Assembly of Costa Rica has a grace period of eighteen months to amend the marriage law to align with the Convention after which same-sex marriage will automatically become established by law in Costa Rica.[129]

Timeline

Note: Countries and territories in which same-sex marriage laws have been repealed are not included on the table.

2001	**Netherlands** (1 April)
2002	
2003	**Belgium** (1 June) · Ontario (10 June) · British Columbia (8 July)
2004	Quebec (19 March) · Massachusetts (17 May) · Yukon (14 July) · Manitoba (16 September) · Nova Scotia (24 September) · Saskatchewan (5 November) · Newfoundland and Labrador (21 December)
2005	New Brunswick (23 June) · **Spain** (3 July) · **Canada** [nationwide] (20 July)
2006	**South Africa** (30 November)
2007	
2008	Connecticut (12 November)
2009	**Norway** (1 January) · Iowa (27 April) · **Sweden** (1 May) · Coquille Indian Tribe (20 May) · Vermont (1 September)
2010	New Hampshire (1 January) · District of Columbia (3 March) · Mexican Federal District (4 March) · Mashantucket Pequot Tribal Nation (29 April) · **Portugal** (5 June) · **Iceland** (27 June) · **Argentina** (22 July)
2011	New York (24 July) · Suquamish Tribe (1 August)
2012	Alagoas (6 January) · Quintana Roo (3 May) · **Denmark** (15 June) · Santa Rita do Sapucaí, Minas Gerais (11 July) · Sergipe (15 July) · Espírito Santo (15 August) · Caribbean Netherlands (10 October) · Bahia (26 November) · Brazilian Federal District (1 December) · Washington (6 December) · Port Gamble S'Klallam Tribe (9 December) · Piauí (15 December) · Maine (29 December)
2013	Maryland (1 January) · São Paulo (16 February) · Ceará (15 March) · Little Traverse Bay Bands of Odawa Indians (15 March) · Paraná (26 March) · Mato Grosso do Sul (2 April) · Rondônia (26 April) · Santa Catarina (29 April) · Paraíba (29 April) · Pokagon Band of Potawatomi Indians (8 May) · **Brazil** [nationwide] (16 May) · **France** (18 May) · Iipay Nation of Santa Ysabel (24 June) · California (28 June) · Delaware (1 July) · Minnesota (1 August) · Rhode Island (1 August) · Grand Portage Band of Chippewa (1 August) · **Uruguay** (5 August) · **New Zealand** (19 August) · Doña Ana County, New Mexico (21 August) · Santa Fe County, New Mexico (23 August) · Bernalillo County, New Mexico (26 August) · San Miguel County, New Mexico (27 August) · Valencia County, New Mexico (27 August) · Taos County, New Mexico (28 August) · Los Alamos County, New Mexico (4 September) · Confederated Tribes of the Colville Reservation (5 September) · Grant County, New Mexico (9 September) · Cheyenne and Arapaho Tribes (18 October) · New Jersey (21 October) · Blue Lake Rancheria (1 November) · Leech Lake Band of Ojibwe (15 November) · Hawaii (2 December) · New Mexico [statewide] (19 December)
2014	Cook County, Illinois (21 February) · **England and Wales** (13 March) · Oregon (19 May) · Pennsylvania (20 May) · Illinois [statewide] (1 June) · Akrotiri and Dhekelia (3 June) · British Indian Ocean Territory (3 June) · Puyallup Tribe of Indians (9 July) · Fond du Lac Band of Lake Superior Chippewa (16 July) · Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (10 August) · Coahuila (17 September) · Oklahoma (6 October) · Virginia (6 October) · Utah (6 October) · Indiana (6 October) · Wisconsin (6 October) · Lac du Flambeau Band of Lake Superior Chippewa (6 October) · Colorado (7 October) · West Virginia (9 October) · Nevada (9 October) · Fort McDermitt Paiute and Shoshone Tribes (9 October) · North Carolina (10 October) · Alaska (12 October) · Idaho (15 October) · Arizona (17 October) · Fort McDowell Yavapai Nation (17 October) · Pascua Yaqui Tribe (17 October) · Salt River Pima-Maricopa Indian Community (17 October) · San Carlos Apache Tribe (17 October) · Yavapai-Apache Nation (17 October) · Wyoming (21 October) · St. Louis, Missouri (5 November) · St. Louis County, Missouri (6 November) · Jackson County, Missouri (7 November) · Douglas County, Kansas (12 November) · Sedgwick County, Kansas (12 November) · Eastern Shoshone Tribe (14 November) · Northern Arapaho Tribe (14 November) · Montana (19 November) · Blackfeet Nation (19 November) · South Carolina (20 November) · Keweenaw Bay Indian Community (13 December) · **Scotland** (16 December) · South Georgia and the South Sandwich Islands
2015	**Luxembourg** (1 January) · Miami-Dade County, Florida (5 January) · Florida [statewide] (6 January) · Central Council of the Tlingit and Haida Indian Tribes of Alaska (24 February) · Pitcairn Islands (14 May) · Confederated Tribes of Siletz Indians (15 May) · Guam (9 June) · Oneida Tribe of Indians of Wisconsin (10 June) · Chihuahua (12 June) · **United States** [nationwide] (26 June) · Northern Mariana Islands (30 June) · Sault Ste. Marie Tribe of Chippewa Indians (7 July) · United States Virgin Islands (9 July) · Puerto Rico (13 July) · Santiago de Querétaro, Querétaro (21 July) · White Mountain Apache Tribe (9 September) · **Ireland** (16 November) · Confederated Tribes of the Grand Ronde Community of Oregon (18 November) · Nayarit (23 December)
2016	Oglala Sioux Tribe (25 January) · Stockbridge-Munsee Community Band of Mohican Indians (2 February) · **Greenland** (1 April) · **Colombia** (28 April) · Tulalip Tribes of Washington (6 May) · Jalisco [statewide] (12 May) · Campeche (20 May) · Colima (12 June) · Michoacán (23 June) · Morelos (5 July) · Isle of Man (22 July) · San Pedro Cholula, Puebla (18 September) · British Antarctic Territory (13 October) · Menominee Indian Tribe of Wisconsin (3 November) · Cherokee Nation (9 December) · Gibraltar (15 December)
2017	Ascension Island (1 January) · Amealco de Bonfil, Querétaro (4 January) · Cadereyta de Montes, Querétaro (4 January) · Ezequiel Montes, Querétaro (4 January) · Huimilpan, Querétaro (4 January) · Pedro Escobedo, Querétaro (4 January) · San Joaquín, Querétaro (4 January) · Tolimán, Querétaro (4 January) · **Finland** (1 March) · Osage Nation (20 March) · Prairie Island Indian Community (22 March) · Falkland Islands (29 April) · Guernsey (2 May) · Ho-Chunk Nation of Wisconsin (5 June) · **Faroe Islands** (1 July) · Chiapas (11 July) · Puebla [statewide] (1 August) · Tristan da Cunha (4 August) · **Malta** (1 September) · **Germany** (1 October) · Ak-Chin Indian Community (25 October) · Baja California (3 November) · **Australia** (9 December) · Saint Helena (20 December)
2018	Alderney (14 June) · Jersey (1 July) · Ponca Tribe of Nebraska (26 August) · Bermuda (23 November)
2019	**Austria** (1 January) · Zacatecas, Zacatecas (14 February) · Nuevo León (19 February) · Cuauhtémoc, Zacatecas (1 March)

TBD	**Taiwan** *(by 24 May 2019)*· **Costa Rica** *(by 26 May 2020)*· Tamaulipas *(within 180 days of congress in session, starting 18 November 2018)*· Sinaloa *(past due)*

International organisations

European Court of Human Rights

In 2010, the European Court of Human Rights (ECHR) ruled in *Schalk and Kopf v Austria*, a case involving an Austrian same-sex couple who were denied the right to marry.[130] The court found, by a vote of 4 to 3, that their human rights had not been violated.[131]

British Judge Sir Nicolas Bratza, then head of the European Court of Human Rights, delivered a speech in 2012 that signaled the court was ready to declare same-sex marriage a "human right", as soon as enough countries fell into line.[132][133][134]

Article 12 of the European Convention on Human Rights states that: "Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right",[135] not limiting marriage to those in a heterosexual relationship. However, the ECHR stated in *Schalk and Kopf v Austria* that this provision was intended to limit marriage to heterosexual relationships, as it used the term "men and women" instead of "everyone".[130]

European Union

On 12 March 2015, the European Parliament passed a non-binding resolution encouraging EU institutions and member states to "[reflect] on the recognition of same-sex marriage or same-sex civil union as a political, social and human and civil rights issue".[136][137][138]

On 5 June 2018, the European Court of Justice ruled, in a case from Romania, that, under the specific conditions of the couple in question, married same-sex couples have the same residency rights as other married couples in an EU country, even if that country does not permit or recognize same-sex marriage.[139][140]

Inter-American Court of Human Rights

After a motion lodged by Costa Rica, the Inter-American Court of Human Rights issued a landmark advisory ruling in favour of same-sex marriage on 9 January 2018, which is expected to facilitate legalisation in several countries in the Americas.[g]

The Court said that governments "must recognise and guarantee all the rights that are derived from a family bond between people of the same sex". They also said that it was inadmissible and discriminatory for a separate legal provision to be established (such as civil unions) instead of same-sex marriage. The Court demanded that governments "guarantee access to all existing forms of domestic legal systems, including the right to marriage, in order to ensure the protection of all the rights of families formed by same-sex couples without discrimination". Recognising the difficulty in passing such laws in countries where there is strong opposition to same-sex marriage, it recommended that governments pass temporary decrees until new legislation is brought in.[141]

The Court issued its ruling in response to a motion brought by Costa Rica in 2016. The Costa Rican Government asked the Court to give its opinion on whether it had an obligation to extend property rights to same-sex couples, and the Court ruled that it did. The Costa Rican Government also wanted to know whether it should allow transgender people to change their name and gender on their identity documents. Again, the Court ruled that it must.

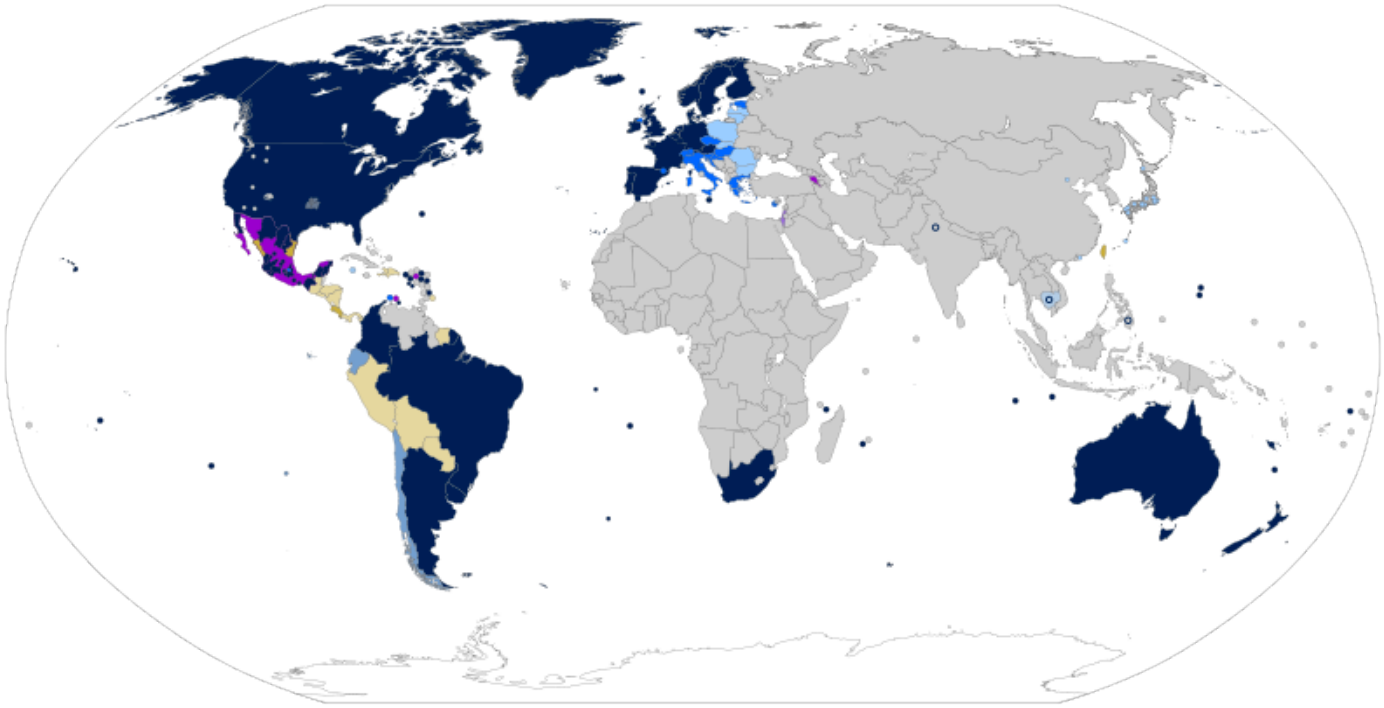
The governments of Costa Rica and Panama have announced that they will fully implement the IACHR ruling.[142][143] Additionally, on 11 January, the president of the Supreme Court of Peru and chairman of the country's judiciary, Duberlí Rodríguez, stated that Peru should abide by the decision.[144] On 29 January 2018, Housing Minister Carlos Bruce estimated that same-sex marriage will be allowed in Peru within two years, and several former Supreme Court judges and lawmakers, notably Indira Huilca, stated that same-sex marriage will soon be legal in Peru, regardless.[145][146] The Peruvian Government, however, has yet to issue a formal decision on the matter

On 29 June 2018, two family judges in Cuenca, Ecuador ruled that the Civil Registry must issue same-sex marriage licenses on request, stating that the decision of the IACHR trumped the Ecuadorian Constitution's definition of marriage. The Registry has appealed, but the Constitutional Court has indicated that it is likely to rule in favor of same-sex marriage.[147][148]

On 8 August 2018, the Costa Rican Supreme Court declared Costa Rica's same-sex marriage ban unconstitutional, and gave the Legislative Assembly 18 months to reform the law accordingly otherwise the ban would be abolished automatically. This was in line with the IACHR ruling.[129]

Besides Ecuador and Costa Rica, lawsuits regarding same-sex marriage have been filed in El Salvador (halting a proposed constitutional amendment banning same-sex marriage),[149] Honduras,[150] Panama,[151] Paraguay (to recognize marriages performed abroad),[152] and Peru,[153] all of which are under the jurisdiction of the IACHR.

Same-sex marriage around the world



Marriage open to same-sex couples (rings: individual cases)
Legislation or binding domestic court ruling establishing same-sex marriage, but marriage is not yet provided for
Same-sex marriage recognized when performed in certain other jurisdictions, and accorded greater rights than local same-sex union (if any)
Civil unions or domestic partnerships
Limited legal recognition (partnership certificates, residency rights for foreign spouses, etc.)
Country subject to an international court ruling to recognize same-sex marriage
Same-sex unions not legally recognized

As of 1 January 2019, same-sex marriage is legally performed and recognized (nationwide or in some parts) in the following countries: Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico,[a] the Netherlands,[b] New Zealand,[c] Norway, Portugal, South Africa, Spain, Sweden, the United Kingdom,[d] the United States,[e] and Uruguay.

Same-sex marriage is also due to soon become legally performed and recognized in Costa Rica, and Taiwan.[f][154] Additionally, Armenia and Israel recognize the marriages of same-sex couples validly entered into in other countries, though as of early 2019 there is no record of anyone taking advantag of the ruling in Armenia.[155] Furthermore, the Inter-American Court of Human Rights has issued a ruling which is expected to facilitate recognition in several countries in the Americas.[g][2]

As of 2019, same-sex marriage is under consideration by the governments or the courts in the Cayman Islands, Chile, Curaçao, the Czech Republic, Ecuador, El Salvador, Honduras, Hong Kong, several states in Mexico, the Navajo Nation, Panama, Peru, the Philippines, Switzerland and Venezuela (in both assemblies), with recognition of foreign marriages under consideration in Paraguay and civil unions under consideration in Monaco, Poland, Romania, and Thailand. Legal cases have been filed in a number of other countries. A ban on same-sex marriage is under consideration in Guatemala; similar proposed bans or draft opinions in El Salvador and Panama were retired after the IACHR ruling.[156][157]

Legal recognition

Argentina

On 15 July 2010, the Argentine Senate approved a bill extending marriage rights to same-sex couples. It was supported by the government of President Cristina Fernández de Kirchner and opposed by the Catholic Church.[158] Polls showed that nearly 70% of Argentines supported giving gay people the same marital rights as heterosexuals.[159] The law came into effect on 22 July 2010 upon promulgation by the Argentine President.[160] Argentina thus became the first country in Latin America, the second in the Americas, and the tenth in the world to legalize same-sex marriage.

Australia

Australia became the second nation in Oceania to legalise same-sex marriage when the Australian Parliament passed a bill on 7 December 2017.[161] The bill received royal assent on 8 December, and took effect on 9 December 2017.[162][163] The law removed the ban on same-sex marriage which previously existed and followed a voluntary postal survey held from 12 September to 7 November 2017, which returned a 61.6% *Yes* vote for same-sex marriage.[164] The same legislation also legalised same-sex marriage in all of Australia's external territories.[163]

Crowd in support of same-sex marriage in Buenos Aires

Austria

Since 1 January 2010, same-sex couples have been allowed to enter registered partnerships (*Eingetragene Partnerschaft*).[165]

On 20 November 2013, the Greens introduced a bill in the Austrian Parliament that would legalise same-sex marriage.[166] It was sent to the Judiciary Committee on 17 December 2013.[167] The bill was supposed to be debated in Autumn 2014,[168] but was delayed by the ruling coalition.

In December 2015, the Vienna Administrative Court dismissed a case challenging the same-sex marriage ban. The plaintiffs appealed to the Constitutional Court.[169] On 12 October 2017, the Constitutional Court agreed to consider one of the cases challenging the law barring same-sex marriage.[170][171][172] On 5 December 2017, the Court struck down the ban on same-sex marriage as unconstitutional. Thus, same-sex couples have been allowed to marry since 1 January 2019. The Court also decided that civil unions will be open for both same-sex and different-sex couples from that date onwards.[173][174][175][176][177]

Belgium

Belgium became the second country in the world to legally recognize same-sex marriages when a bill passed by the Belgian Federal Parliament took effect on 1 June 2003.[178] Originally, Belgium allowed the marriages of foreign same-sex couples only if their country of origin also allowed these unions, however legislation enacted in October 2004 permits any couple to marry if at least one of the spouses has lived in the country for a minimum of three months. A 2006 statute legalized adoption by same-sex spouses.[179]

The Mayor of Liège, Willy Demeyer, officiating at the wedding of a gay couple

Brazil

Recognition of same-sex unions in South America

- Marriage
- Other type of partnership
- Unrecognized
- Constitution limits marriage to opposite-sex couples
- Same-sex sexual activity illegal

Brazil's Supreme Court ruled in May 2011 that same-sex couples are legally entitled to legal recognition of cohabitation (known as *união estável*, one of the two possible family entities in Brazilian legislation. It included almost all of the rights available to married couples in Brazil.[180]

Between mid-2011 and May 2013, same-sex couples had their cohabitation issues converted into marriages in several Brazil states with the approval of a state judge. All legal Brazilian marriages were always recognized all over Brazil.[181]

In November 2012, the Court of Bahia equalized marriage in the state of Bahia.[182][183]

In December 2012, the state of São Paulo likewise had same-sex marriage legalized by court order.[184] Same-sex marriages also became equalized in relation to opposite-sex ones between January 2012 and April 2013 by court order in Alagoas, Ceará, Espírito Santo, the Federal District, Mato Grosso do Sul, Paraíba, Paraná, Piauí, Rondônia, Santa Catarina and Sergipe, and in Santa Rita do Sapucaí, a municipality in Minas Gerais. In Rio de Janeiro, the State Court facilitated its realization by district judges in agreement with the equalization (instead of ordering notaries to accept same-sex marriages in demand as all others).[185]

On 14 May 2013, the Justice's National Council of Brazil issued a ruling requiring all civil registers of the country to perform same-sex marriages by a 14–1 vote, thus legalizing same-sex marriage in the entire country.[186][187][188] The resolution came into effect on 16 May 2013.[189][190]

In March 2013, polls suggested that 47% of Brazilians supported marriage equalization and 57% supported adoption equalization for same-sex couples.[191]

When the distinction between same-sex unions that are not termed marriages in relation to same-sex marriage is made, the difference in the numbers of approval and disapproval is still insignificant, below 1%; the most frequent reason for disapproval is a supposed 'unnaturalness' of same-sex relationship followed by religious beliefs.[192][193]

Canada

Legal recognition of same-sex marriage in Canada followed a series of constitutional challenges based on the equality provisions of the Canadian Charter of Rights and Freedoms. In the first such case, *Halpern v. Canada (Attorney General)*, same-sex marriage ceremonies performed in Ontario on 14 January 2001 were subsequently validated when the common law, mixed-sex definition of marriage was held to be unconstitutional. Similar rulings had legalized same-sex marriage in eight provinces and one territory when the *2005 Civil Marriage Act* defined marriage throughout Canada as "the lawful union of two persons to the exclusion of all others."

Colombia

In February 2007, a series of rulings by the Constitutional Court meant that same-sex couples could apply for all the rights that heterosexual couples have in *de facto* unions (*uniones de hecho*).[194][195]

On 26 July 2011, the Constitutional Court of Colombia ordered the Congress to pass the legislation giving same-sex couples similar rights to marriage by 20 June 2013. If such a law were not passed by then, same-sex couples would be granted these rights automatically.[196][197]

In October 2012, Senator Armando Benedetti introduced a bill legalizing same-sex marriage. It initially only allowed for civil unions, but he amended the text.[198] The Senate's First Committee approved the bill on 4 December 2012.[199][200] On 24 April 2013, the bill was defeated in the full Senate on a 51–17 vote.[201]

On 24 July 2013, a civil court judge in Bogotá declared a same-sex couple legally married, after a ruling on 11 July 2013 accepting the petition. This was the first same-sex couple married in Colombia.[202][203]

In September 2013, two civil court judges married two same-sex couples.[204] The first marriage was challenged by a conservative group, and it was initially annulled. Nevertheless, in October, a High Court (Tribunal Supremo de Bogotá) maintained the validity of that marriage.[205][206]

On 7 April 2016, the Court ruled that marriage doesn't exclusively apply to opposite-sex couples.[207][208][209][210]

On 28 April 2016, the Constitutional Court rules that same-sex couples are allowed to enter into civil marriages in the country and that judges and notaries are barred from refusing to perform same-sex weddings.[211][212][213]

Homosexuality laws in Central America and the Caribbean Islands.

- Same-sex marriage
- Other type of partnership
- Unregistered cohabitation
- Foreign same-sex marriages recognized
- No recognition of same-sex couples
- Constitution limits marriage to opposite-sex couples
- Same-sex sexual activity illegal but not enforced
- Same-sex sexual activity illegal only for males
- Same-sex sexual activity illegal for males and females

Costa Rica

On 19 March 2015, a bill to legalize same-sex marriage was introduced in the Legislative Assembly of Costa Rica by Deputy Ligia Elena Fallas Rodríguez of the Broad Front.[214] On 10 December 2015, the organization Front for Equal Rights (*Frente Por los Derechos Igualitarios*) and a group of deputies presented another bill.[215][216][217]

On 10 February 2016, the Constitutional Court of Costa Rica announced it would hear a case seeking to legalize same-sex marriage in Costa Rica and declare the country's same-sex marriage ban unconstitutional.[218]

In January 2018, the Inter-American Court of Human Rights (IACHR) ruled that the American Convention on Human Rights mandates and requires the recognition of same-sex marriage. The ruling is fully binding on Costa Rica, who within hours agreed to adhere to it and fully implement it. Costa Rican Vice President Ana Helena Chacón Echeverría announced that the Government would implement the ruling "in its totality". Costa Rica's Supreme Electoral Court (the institution in charge of civil registration, including the issuance of marriage certificates) announced that it will obey the ruling of the IACHR and will adapt the necessary by-laws once the Executive Branch notifies the ruling.[219] The official notification was done on 12 January 2018.[220] On 15 January, a same-sex couple applied for a marriage certificate. Their marriage was set to be performed on 20 January, and would have been the first same-sex marriage in Costa Rica,[221] Shortly before the marriage date, however, the Superior Council of Notaries stated that notaries cannot perform same-sex marriages until legislative change or a Supreme Court decision, putting them at odds with the Costa Rican Government and the Inter-American Court of Human Rights, which stated in its ruling that legislative change is unnecessary and that governments may simply issue an executive decree legalising same-sex marriage.[2][222]

In the 2018 Costa Rican general election, the IACHR ruling on same-sex marriage became a prominent issue. Carlos Alvarado Quesada, who supports LGBT rights and favors the implementation of the ruling, won the election with 60.7% of the vote, defeating by wide margin Fabricio Alvarado, a vocal opponent of LGBT rights who was against the implementation of the ruling. On 8 August 2018, the Supreme Court of Costa Rica ruled that the prohibition of same-sex marriage in the Family Code is unconstitutional, giving Congress 18 months to reform the law or the prohibition will be automatically lifted without legislation so it will be legal after 26 May 2020.[229]

Denmark

On 25 May 1989, Denmark wrote history as the first country to make it legal to be in a registered partnership with one of the same sex. A registered partnership was the same as a civil marriage, but was not seen as marriage in the eyes of the church. Axel and Eigil Axgil were the first ones to get married this way.[223]

On 7 June 2012, the Folketing (Danish Parliament) approved new laws regarding same-sex civil and religious marriage. These laws permit same-sex couples to get married in the Church of Denmark. The bills received royal assent on 12 June and took effect on 15 June 2012.[224]

On 26 May 2015, Greenland, one of two other constituent countries in the Realm of Denmark, unanimously passed a law legalising same-sex marriage.[225][226] The first same-sex couple to marry in Greenland married on 1 April 2016, the day the law went into effect.[227]

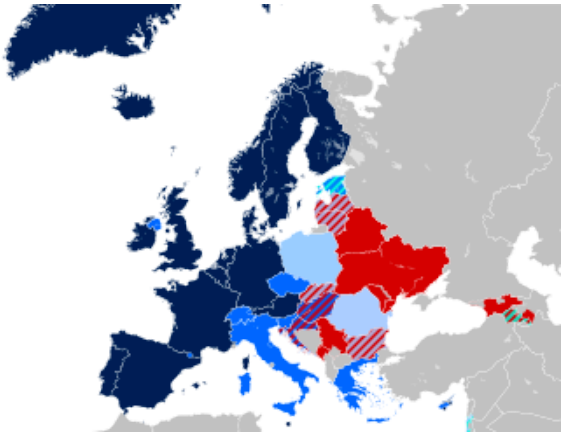
On 17 November 2015, in the Faroe Islands (the realm's other constituent country), a same-sex marriage bill entered Parliament (*Løgting*). The bill passed its second reading on 26 April and was approved at its third reading on 29 April 2016 by 19 votes to 14.[228] The law required ratification in the Danish Parliament, which provided it on 25 April 2017.[229] The Faroese law allows civil marriages for same-sex couples and exempts the Church of the Faroe Islands from being required to officiate same-sex weddings. The law took effect on 1 July 2017.[230]

Finland

Registered partnerships have been legal in Finland since 2002.[231]

In 2010, Minister of Justice Tuija Brax said her Ministry was preparing to amend the *Marriage Act* to allow same-sex marriage by 2012.[232] On 27 February 2013, the bill was rejected by the Legal Affairs Committee of the Finnish Parliament on a vote of 9–8. A citizens' initiative was launched to put the issue before the Parliament of Finland.[233] The campaign collected 166,000 signatures and the initiative was presented to the Parliament in December 2013.[234] After being rejected by the Legal Affairs Committee twice,[235] it faced the first vote in full session on 28 November 2014,[236] which passed the bill 105–92. The bill passed the second and final vote by 101–90 on 12 December 2014,[237] and was signed by the President on 20 February 2015.[234][238][239]

The law took effect on 1 March 2017.[240] It was the first time a citizens' initiative had been approved by the Finnish Parliament.[231]



Laws regarding same-sex partnerships in Europe

- Marriage[1]
- Foreign marriages recognized[1]
- Other type of partnership[1]
- Limited legal recognition[1]
- Unrecognized
- Constitution limits marriage to opposite-sex couples

[1] May include recent laws or court decisions which have created legal recognition of same-sex relationships, but which have not entered into effect yet.

France

Since November 1999, France has had a civil union scheme known as a civil solidarity pact that is open to both opposite-sex and same-sex couples.[241]

The French Government introduced a bill to legalize same-sex marriage, *Bill 344*, in the National Assembly on 17 November 2012. Article 1 of the bill defining marriage as an agreement between two people was passed on 2 February 2013 in its first reading by a 249–97 vote. On 12 February 2013, the National Assembly approved the entire bill in a 329–229 vote.[242]

On 12 April 2013, the upper house of the French Parliament voted to legalise same-sex marriage.[243] On 23 April 2013, the law was approved by the National Assembly in a 331–225 vote.[244] *Law No.2013-404* grants same-sex couples living in France, including foreigners provided at least one of the partners has their domicile or residence in France, the legal right to get married. The la also allows the recognition in France of same-sex couples' marriages that occurred abroad before the bill's enactment.[245]

The main right-wing opposition party UMP challenged the law in the Constitutional Council, which had one month to rule on whether the law conformed to the Constitution. The Constitutional Council had previously ruled that the issue of same-sex marriage was one for the Parliament to decide and there was only little hope for UMP to overturn the Parliament's vote.[246] On 17 May 2013, the Constitutional Council declared the bill legal in its entire redaction. President François Hollande signed it into law on 18 May 2013.[247]

Germany

Prior to the legalisation of same-sex marriage, Germany was one of the first countries to legislate registered partnerships (*Eingetragene Lebenspartnerschaft*) for same-sex couples, which provided most of the rights of marriage. The law came into effect on 1 August 2001, and the act was progressively amended on subsequent occasions to reflect court rulings expanding the rights of registered partners.

Same-sex marriage has been legal in Germany since 1 October 2017. A bill recognising marriages and adoption rights for same-sex couples passed the Bundestag on 30 June 2017 after Chancellor Angela Merkel stated that she would allow her CDU/CSU parliamentarians a conscience vote on such legislation, shortly after it was made a requirement for any future coalition by the SPD, the Greens and FDP.[248] The co-governing SPD consequently forced a vote on the issue together with the opposition parties.[249] Previous attempts by smaller parties to introduce same-sex marriage were blocked by the CDU/CSU-led government over several years. The bill was signed into law by German President Frank-Walter Steinmeier on 20 July and came into effect on 1 October 2017.[250]

Iceland

Same-sex marriage was introduced in Iceland through legislation establishing a gender-neutral definition of marriage introduced by the Coalition Government of the Social Democratic Alliance and Left-Green Movement. The legislation was passed unanimously by the Icelandic Althing on 11 June 2010, and took effect on 27 June 2010, replacing an earlier system of registered partnerships for same-sex couples.[251][252] Prime Minister Jóhanna Sigurðardóttir and her partner were among the first married same-sex couples in the country.[253]

Ireland

Prior to the legalization of same-sex marriage, the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* allowed same sex couples to enter civil partnerships. The Act came into force on 1 January 2011 and gave same-sex couples rights and responsibilities similar to, but not equal to, those of civil marriage.[254]

On 22 May 2015, Ireland held a referendum. The referendum proposed to add to the Irish Constitution: "marriage may be contracted in accordance with law by two persons without distinction as to their sex". The proposal was approved with 62% of voters supporting same-sex marriage. On 29 August 2015, Irish President Michael D. Higgins signed the result of the May referendum into law,[255] which made Ireland the first country in the world to approve same-sex marriage at a nationwide referendum.[256] Same-sex marriage became formally legally recognised in Ireland on 16 November 2015.[257]

Luxembourg

The Parliament approved a bill to legalise same-sex marriage on 18 June 2014.[258] The law was published in the official gazette on 17 July and took effect on 1 January 2015.[259][260][261] On 15 May 2015, Luxembourg became the first country in the European Union to have a prime minister who is in a same-sex marriage, and the second one in Europe. Prime Minister Xavier Bettel married Gauthier Destenay, with whom he had been in a civil partnership since 2010.

Malta

Malta has recognized same-sex unions since April 2014, following the enactment of the *Civil Unions Act*, first introduced in September 2013. It established civil unions with same rights, responsibilities, and obligations as marriage, including the right of joint adoption and recognition of foreign same-sex marriage.[262] The Maltese Parliament gave final approval to the legislation on 14 April 2014 by a vote of 37 in favour and 30 abstentions. President Marie Louise Coleiro Preca signed it into law on 16 April. The first foreign same-sex marriage was registered on 29 April 2014 and the first civil union was performed on 14 June 2014.[262]

On 21 February 2017, Minister for Social Dialogue, Consumer Affairs, and Civil Liberties Helena Dalli said that she was preparing a bill to legalise same-sex marriage.[263] The bill was presented to Parliament on 5 July 2017.[264] The bill's last reading took place in Parliament on 12 July 2017, where it was approved 66-1. It was signed into law and published in the Government Gazette on 1 August 2017.[265] Malta became the 14th country in Europe to legalise same-sex marriage.[266][267]

Mexico

Same-sex couples can marry in Mexico City and in the states of Baja California, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Puebla and Quintana Roo as well as in some municipalities in Guerrero, Oaxaca, Querétaro and Zacatecas. In individual cases, same-sex couples have been given judicial approval to marry in all other states. Since August 2010, same-sex marriages performed within Mexico are recognized by the 31 states without exception.

On 21 December 2009, the Federal District's Legislative Assembly legalized same-sex marriages and adoption by same-sex couples. The law was enacted eight days later and became effective in early March 2010.[268] On 10 August 2010, the Mexican Supreme Court ruled that while not every state must grant same-sex marriages, they must all recognize those performed where they are legal.[269]

On 28 November 2011, the first two same-sex marriages occurred in Quintana Roo after it was discovered that Quintana Roo's Civil Code did not explicitly prohibit same-sex marriage,[270] but these marriages were later annulled by the Governor of Quintana Roo in April 2012.[271] In May 2012, the Secretary of State of Quintana Roo reversed the annulments and allowed for future same-sex marriages to be performed in the state.[272]

On 11 February 2014, the Congress of Coahuila approved adoptions by same-sex couples. A bill legalizing same-sex marriages passed on 1 September 2014, making Coahuila the first state (and second jurisdiction after Mexico City) to reform its Civil Code to allow for legal same-sex marriages.[273] It took effect on 17 September, and the first couple married on 20 September.[274]

On 12 June 2015, the Governor of Chihuahua announced that his administration would no longer oppose same-sex marriages in the state. The order was effective immediately, thus making Chihuahua the third state to legalize such unions.[275][276]

State recognition of same-sex relationships in Mexico

- Same-sex marriage
- Civil unions; marriage by "amparo" only
- Court order requires implementation of marriage
- Marriage by *amparo* or by traveling out of state

On 3 June 2015, the Supreme Court of Justice of the Nation released a "jurisprudential thesis" which found state-laws defining marriage as a union between a man and a woman unconstitutional. The ruling standardized court procedures across Mexico to authorize same-sex marriages. However, the process is still lengthy and more expensive than that for an opposite-sex marriage, as the ruling did not invalidate any state laws, meaning same-sex couples will be denied the right to wed and will have to turn to the courts for individual injunctions (Spanish: *amparo*). However, given the nature of the ruling, judges and courts throughout Mexico must approve any application for a same-sex marriage.[277] The official release of the thesis was on 19 June 2015, which took effect on 22 June 2015.[278]

On 25 June 2015, following the Supreme Court's ruling striking down district same-sex marriage bans, the Civil Registry of Guerrero announced that they had planned a collective same-sex marriage ceremony for 10 July 2015 and indicated that there would have to be a change to the law to allow gender-neutral marriage, passed through the state Legislature before the official commencement.[279] The registry announced more details of their plan, advising that only select registration offices in the state would be able to participate in the collective marriage event.[280] The state Governor instructed civil agencies to approve same-sex marriage licenses. On 10 July 2015, 20 same-sex couples were married by Governor Rogelio Ortega in Acapulco.[281] On 13 January 2016, the head of the Civil Registry of Acapulco announced that all marriages that took place on 10 July 2015 by the Governor and his wife were void and not legal as same-sex marriage is not legal in Guerrero, unless couples are granted an amparo beforehand.[282] On 13 February 2016, however, the head of Guerrero's State Civil Registry department announced that same-sex couples could marry in any of the jurisdictions that want to marry the couples and criticised Acapulco's Civil Registry and other civil registries throughout the state for not allowing these kinds of weddings.[283] By March 2017, every state municipality in Guerrero had stopped issuing marriage licenses to same-sex couples.

On 17 December 2015, the Congress of Nayarit approved a bill legalizing same-sex marriage.[284] In January 2016, the Mexican Supreme Court declared Jalisco's Civil Code unconstitutional for limiting marriage to opposite-sex couples, effectively legalizing same-sex marriage in the state.[285] On 10 May 2016, the Congress of Campeche passed a same-sex marriage bill.[286] On 18 May 2016, both Michoacán and Morelos passed bills allowing for same-sex marriage to be legal.[287][288] On 25 May 2016, a bill to legalize same-sex marriage in Colima was approved by the state Congress.[289] In July and August 2017, respectively, the Mexican Supreme Court invalidated same-sex marriage bans in the states of Chiapas and Puebla.[290][291] In November 2017, the State Government of Baja California decided to stop enforcing its same-sex marriage ban.

On 17 May 2016, the President of Mexico, Enrique Peña Nieto, signed an initiative to change the country's Constitution, which would have legalized same-sex marriage throughout Mexico.[292] On 9 November 2016, the Committee on Constitutional Issues of the Chamber of Deputies rejected the initiative 19 votes to 8.[293]

Netherlands

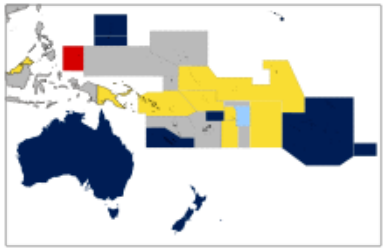
The Netherlands was the first country to extend marriage laws to include same-sex couples, following the recommendation of a special commission appointed to investigate the issue in 1995. A same-sex marriage bill passed the House of Representatives and the Senate in 2000, taking effect on 1 April 2001.[294]

In the Dutch Caribbean special municipalities of Bonaire, Sint Eustatius and Saba, marriage is open to same-sex couples. A law enabling same-sex couples to marry in these municipalities passed and came into effect on 10 October 2012.[295] The Caribbean countries Aruba, Curaçao and Sint Maarten, forming the remainder of the Kingdom of the Netherlands, do not perform same-sex marriages, but must recognize those performed in the Netherlands proper.

New Zealand

On 14 May 2012, Labour Party MP Louisa Wall stated that she would introduce a member's bill, the *Marriage (Definition of Marriage) Amendment Bill*, allowing same-sex couples to marry.[296] The bill was submitted to the members' bill ballot on 30 May 2012.[297] It was drawn from the ballot and passed the first and second readings on 29 August 2012 and 13 March 2013, respectively.[298][299] The final reading passed on 17 April 2013 by 77 votes to 44.[300][301] The bill received royal assent from the Governor-General on 19 April and took effect on 19 August 2013.[302][303]

New Zealand marriage law only applies to New Zealand proper and the Ross Dependency in Antarctica. New Zealand's dependent territory, Tokelau, and associated states, Cook Islands and Niue, have their own marriage laws and do not perform or recognise same-sex marriage.[304]



Recognition of same-sex relationships in Oceania

- Same-sex marriage
- Other type of partnership
- Limited recognition of same-sex marriages at the federal level, no territory level recognition
- No recognition
- Constitution limits marriage to opposite-sex couples
- Homosexuality illegal

Norway

Same-sex marriage became legal in Norway on 1 January 2009 when a gender-neutral marriage bill was enacted after being passed by the Norwegian legislature, the Storting, in June 2008.[305][306] Norway became the first Scandinavian country and the sixth country in the world to legalize same-sex marriage. Gender-neutral marriage replaced Norway's previous system of registered partnerships for same-sex couples. Couples in registered partnerships are able to retain that status or convert their registered partnership to a marriage. No new registered partnerships may be created.[307]

Portugal

Portugal created de facto unions similar to common-law marriage for cohabiting opposite-sex partners in 1999, and extended these unions to same-sex couples in 2001. However, the 2001 extension did not allow for same-sex adoption, either jointly or of stepchildren.[308]

On 11 February 2010, Parliament approved a bill legalizing same-sex marriage. The Portuguese President promulgated the law on 8 April 2010 and the law was effective on 5 June 2010, making Portugal the eighth country to legalize nationwide same-sex marriage; however, adoption was still denied for same-sex couples.[309]

In December 2015, the Portuguese Parliament approved a bill to recognise adoptions rights for same-sex couples.[310][311][312] It came into effect in March 2016.

South Africa

Legal recognition of same-sex marriages in South Africa came about as a result of the Constitutional Court's decision in the case of *Minister of Home Affairs v Fourie*. The court ruled on 1 December 2005 that the existing marriage laws violated the equality clause of the *Bill of Rights* because they discriminated on the basis of sexual orientation. The court gave Parliament one year to rectify the inequality

The *Civil Union Act* was passed by the National Assembly on 14 November 2006, by a vote of 230 to 41. It became law on 30 November 2006. South Africa became the fifth country, the first in Africa, and the second outside Europe, to legalize same-sex marriage.

Same-sex wedding in South Africa, 2007

Spain

Spain was the third country in the world to legalize same-sex marriage, which has been legal since 3 July 2005, and was supported by the majority of the Spanish people.[313][314]

In 2004, the nation's newly elected Socialist Government, led by President José Luis Rodríguez Zapatero, began a campaign for its legalization, including the right of adoption by same-sex couples.[315] After much debate, the law permitting same-sex marriage was passed by the *Cortes Generales* (Spain's bicameral Parliament) on 30 June 2005. King Juan Carlos, who by law has up to 30 days to decide whether to grant royal assent to laws, signed it on 1 July 2005. The law was published on 2 July 2005.[316]

Sweden

Same-sex marriage in Sweden has been legal since 1 May 2009, following the adoption of a new gender-neutral law on marriage by the Swedish Parliament on 1 April 2009, making Sweden the seventh country in the world to open marriage to same-sex couples nationwide. Marriage replaced Sweden's registered partnerships for same-sex couples. Existing registered partnerships between same-sex couples remained in force with an option to convert them into marriages.[317][318] Same-sex marriages have been performed by the Church of Sweden since 2009.[319]

United Kingdom

Since 2005, same-sex couples have been allowed to enter into civil partnerships, a separate union providing the legal consequences of marriage. In 2006, the High Court rejected a legal bid by a British lesbian couple who had married in Canada to have their union recognised as a marriage in the UK rather than a civil partnership.

Recognition of same-sex unions in the Lesser Antilles

- Same-sex marriage performed
- Same-sex marriage recognized
- Other type of partnership
- Unrecognized or unknown
- Same-sex sexual activity illegal but no longer enforced
- Same-sex sexual activity illegal

In September 2011, the Coalition Government announced its intention to introduce same-sex civil marriage in England and Wales by the May 2015 general election.[320] However, unlike the Scottish Government's consultation, the UK Government's consultation for England and Wales did not include provision for religious ceremonies. In May 2012, three religious groups (Quakers, Liberal Judaism and Unitarians) sent a letter to David Cameron, asking that they be allowed to solemnise same-sex weddings.[321]

In June 2012, the UK Government completed the consultation to allow civil marriage for same-sex couples in England and Wales.[322] In its response to the consultation, the Government said that it also intended "...to enable those religious organisations that wish to conduct same-sex marriage ceremonies to do so, on a permissive basis only"[323]

In December 2012, the Prime Minister, David Cameron, announced that, whilst he favoured allowing same-sex marriage within a religious context, provision would be made guaranteeing no religious institution would be required to perform such ceremonies.[324] The third reading took place on 21 May 2013, and was approved by 366 votes to 161.[325] On 16 July 2013, the Commons accepted all of the Lords' amendments.[326] On 17 July 2013, the bill received royal assent becoming the *Marriage (Same Sex Couples) Act 2013*, which came into force on 13 March 2014.[326] The first same-sex marriages took place on 29 March 2014.[327]

The Scottish Government conducted a three-month-long consultation which ended on 9 December 2011. The analysis was published in July 2012.[328] Unlike the consultation held in England and Wales, Scotland considered both civil and religious same-sex marriage. Whilst the Scottish Government was in favour of same-sex marriage, it stated that no religious body would be forced to hold such ceremonies once legislation is enacted.[329] On 27 June 2013, the Government published the bill.[330] In order to preserve the freedom of both religious groups and individual clergy, the Scottish Government believed it necessary for changes to be made to the *Equality Act 2010* and communicated with the UK Government on this matter; thus, the first same-sex marriages in Scotland did not occur until this had taken place.[331]

On 4 February 2014, the Scottish Parliament overwhelmingly passed legislation legalising same-sex marriage.[332] The bill received royal assent as the *Marriage and Civil Partnership (Scotland) Act 2014* on 12 March 2014.[333][334] The law took effect on 16 December 2014, with the first same-sex weddings occurring for those converting their civil partnerships into marriage.[335][336]

The Northern Ireland Executive has stated that it does not intend to introduce legislation allowing for same-sex marriage in Northern Ireland. Same-sex marriages from other jurisdictions are treated as civil partnerships.[337]

Of the fourteen British Overseas Territories, same-sex marriage has been legal in South Georgia and the South Sandwich Islands since 2014, Akrotiri and Dhekelia and the British Indian Ocean Territory (for UK military personnel) since 3 June 2014, the Pitcairn Islands since 14 May 2015, the British Antarctic Territory since 13 October 2016, Gibraltar since 15 December 2016, Ascension Island since 1 January 2017, the Falkland Islands since 29 April 2017, Tristan da Cunha since 4 August 2017 and Saint Helena since 20 December 2017. Of the three Crown dependencies, same-sex marriage has been legal in the Isle of Man since 22 July 2016 and in Guernsey and Alderney since 2 May 2017 and 14 June 2018, respectively.[338][339] In February 2018, Bermuda passed the *Domestic Partnership Act 2018*, revoking same-sex marriage, which had been legalised by a May 2017 Supreme Court ruling.[340] In June 2018, the Bermuda Supreme Court struck down the parts of the law revoking same-sex marriage.

United States

Same-sex marriage in the United States expanded from one state in 2004 to all fifty states in 2015 through various state court rulings, state legislation, direct popular votes, and federal court rulings. The fifty states each have separate marriage laws, which must adhere to rulings by the Supreme Court of the United States that recognize marriage as a fundamental right that is guaranteed by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as first established in the 1967 landmark civil rights case of *Loving v. Virginia*.

Civil rights campaigning in support of marriage without distinction as to sex or sexual orientation began in the 1970s.[341] In 1972, the now overturned *Baker v. Nelson* saw the Supreme Court of the United States decline to become involved.[342] The issue became prominent from around 1993, when the Supreme Court of Hawaii ruled in *Baehr v. Lewin* that it was unconstitutional under the state constitution for the state to abridge marriage on the basis of sex. That ruling led to federal and state actions to explicitly abridge marriage on the basis of sex in order to prevent the marriages of same-sex couples from being recognized by law, the most prominent of which was the 1996 federal DOMA. In 2003, the Massachusetts Supreme Judicial Court ruled in *Goodridge v. Department of Public Health* that it was unconstitutional under the state constitution for the state to abridge marriage on the basis of sex.

From 2004 through to 2015, as the tide of public opinion continued to move towards support of same-sex marriage, various state court rulings, state legislation, direct popular votes (referendums and initiatives), and federal court rulings established same-sex marriage in thirty-six of the fifty states.

The White House, illuminated in rainbow colors, on the evening of the *Obergefell* ruling, June 26, 2015.

The first two decades of the 21st century saw same-sex marriage receive support from prominent figures in the civil rights movement, including Coretta Scott King, John Lewis, Julian Bond, and Mildred Loving.[343] In May 2011, national public support for same-sex marriage rose above 50% for the first time.[344] In May 2012, the NAACP, the leading African-American civil rights organization, declared its support for same-sex marriage and stated that it is a civil right.[31] In June 2013, the Supreme Court of the United States struck down DOMA for violating the Fifth Amendment to the United States Constitution in the landmark civil rights case of *United States v. Windsor*, leading to federal recognition of same-sex marriage, with federal benefits for married couples connected to either the state of residence or the state in which the marriage was solemnized. In May 2015, national public support for same-sex marriage rose to 60% for the first time.[345] In June 2015, the Supreme Court ruled in the landmark civil rights case of *Obergefell v. Hodges* that the fundamental right of same-sex couples to marry on the same terms and conditions as opposite-sex couples, with all the accompanying rights and responsibilities, is guaranteed by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution

The ruling of the Supreme Court in *Obergefell* occurred following decades of consistently rising national public support for same-sex marriage in the United States, with support continuing to rise thereafter.

The United States of America is the most populous country in the world to have established same-sex marriage nationwide.

Uruguay

Uruguay's Chamber of Deputies passed a bill on 12 December 2012, to extend marriage rights to same-sex couples.[346] The Senate passed the bill on 2 April 2013, but with minor amendments. On 10 April 2013, the Chamber of Deputies passed the amended bill by a two-thirds majority (71–22). The president promulgated the law on 3 May 2013 and it took effect on 5 August.[347]

National debates

Armenia

Armenia has historically had few protections or recognition in law of same-sex couples. This changed in July 2017, when the Ministry of Justice revealed that all marriages performed abroad are valid in Armenia, including marriages between people of the same sex.[348] That made Armenia the second country of the former Soviet Union, after Estonia, to recognise same-sex marriages performed abroad, though it's not clear if the ruling has any practical effect. As of early 2019, "no such recognition has yet been documented."[155]

Bulgaria

The Bulgarian Constitution forbids the legalisation of same-sex marriage, stipulating that marriage can only be between a man and a woman.

In late 2017, a Bulgarian same-sex couple, who married in the United Kingdom, filed a lawsuit in order to have their marriage recognised.[349] The Sofia Administrative Court ruled against them in January 2018.[350] A Sofia court granted a same-sex couple the right to live in Bulgaria on 29 June 2018. The couple, an Australian woman and her French spouse, had married in France in 2016, but were denied residency in Bulgaria a year later when they attempted to move there.[351]

Chile

Michelle Bachelet, the President of Chile, who was elected to a second term in March 2014, promised to work for the implementation of same-sex marriage and had a majority in both houses of Congress. Previously, she said, "Marriage equality, I believe we have to make it happen."[352] Polling shows majority support for same-sex marriage among Chileans.[353] A poll carried out in September 2015 by the pollster Cadem Plaza Pública found that 60% of Chileans supported same-sex marriage, whilst 36% were against it.[354]

On 10 December 2014, a group of senators from various parties, joined LGBT rights group MOVILH (Homosexual Movement of Integration and Liberation) in presenting a bill to allow same-sex marriage and adoption to Congress. MOVILH had been in talks with the Chilean Government to seek an amiable solution to the pending marriage lawsuit brought against the state before the Inter-American Court of Human Rights.[355] On 17 February

2015, lawyers representing the Government and MOVILH met to discuss an amicable solution to the same-sex marriage lawsuit. The Government announced that they would drop their opposition to same-sex marriage. A formal agreement between the two parties and the Inter-American Commission of Human Rights was signed in April 2015.[356] The Chilean Government pledged to legalise same-sex marriage.

On 28 January 2015, the National Congress approved a bill recognizing civil unions for same-sex and opposite-sex couples offering some of the rights of marriage. Bachelet signed the bill on 14 April, and it came into effect on 22 October.[357][358]

In September 2016, President Bachelet stated before a United Nations General Assembly panel that the Chilean Government would submit a same-sex marriage bill to Congress in the first half of 2017.[359] A same-sex marriage bill was submitted in September 2017.[360] Parliament began discussing the bill on 27 November 2017,[361] but it failed to pass before March 2018, when a new Government was inaugurated.

The 2018 Inter-American Court of Human Rights ruling regarding the legalisation of same-sex marriage in countries that have ratified the American Convention on Human Rights applies to Chile.

China

The *Marriage Law of the People's Republic of China* explicitly defines marriage as the union between one man and one woman. No other form of civil union is recognized. The attitude of the Chinese Government towards homosexuality is believed to be "three nos": "No approval; no disapproval; no promotion." The Ministry of Health officially removed homosexuality from its list of mental illnesses in 2001.

Li Yinhe, a sociologist and sexologist well known in the Chinese gay community, has tried to legalize same-sex marriage several times, including during the National People's Congress in 2000 and 2004 (*Legalization for Same-Sex Marriage* 《中国同性婚姻合法化》 in 2000 and the *Same-Sex Marriage Bill* 《中国同性婚姻提案》 in 2004). According to Chinese law, 35 delegates' signatures are needed to make an issue a bill to be discussed in the Congress. Her efforts failed due to lack of support from the delegates. CPPCC National Committee spokesman Wu Jianmin when asked about Li Yinhe's proposal, said that same-sex marriage was still too "ahead of its time" for China. He argued that same-sex marriage was not recognized even in many Western countries, which are considered much more liberal in social issues than China.[362] This statement is understood as an implication that the Government may consider recognition of same-sex marriage in the long run, but not in the near future.

On 5 January 2016, a court in Changsha, southern Hunan Province, agreed to hear the lawsuit of 26-year-old Sun Wenlin filed in December 2015 against the Bureau of Civil Affairs of Furong District for its June 2015 refusal to let him marry his 36-year-old male partner, Hu Mingliang. On 13 April 2016, with hundreds of same-sex marriage supporters outside, the Changsha court ruled against Sun, who vowed to appeal, citing the importance of his case for LGBT progress in China.[363]

Cuba

Currently, Article 36 of the Constitution of Cuba defines marriage as "the voluntarily established union between a man and a woman".[364] In July 2018, the National Assembly approved revisions to the Constitution which include an amendment to the definition of marriage; "the consensual union of two people, regardless of gender".[365] The constitutional changes will undergo public scrutiny before being put to a referendum on 24 February 2019.[366] In September 2018, following some public concerns and conservative opposition against the possibility of paving the way to legalisation of same-sex marriage in Cuba, In his first interview since taking office in April, President Miguel Díaz-Canel announced his support for same-sex marriage after he told TV Telesur that he supports "marriage between people without any restrictions," and defended the draft constitution, adding that he is in favor of "eliminating any type of discrimination in society".[367][368]

Czech Republic

Before the October 2017 election, LGBT activists started a public campaign with the aim of achieving same-sex marriage within the next four years.[369][370]

Prime Minister Andrej Babiš supports the legalisation of same-sex marriage.[371] A bill to legalise same-sex marriage was introduced to the Czech Parliament in June 2018.[372] Recent opinion polls have shown that the bill is quite popular in the Czech Republic; a 2018 poll found that 75% of Czechs favoured legalising same-sex marriage.[373]

Ecuador

In 2013, gay rights activist Pamela Troya filed a lawsuit to strike down Ecuador's same-sex marriage ban and legalise same-sex marriage in the country. The lawsuit remains pending.[374]

The 2018 Inter-American Court of Human Rights ruling regarding the legalisation of same-sex marriage in countries that have ratified the American Convention on Human Rights applies to Ecuador. In May 2018, the Ecuador Supreme Court ruled, in a lesbian parenting case, that the IACHR ruling is fully binding on Ecuador and that the country must also implement the ruling in due course.[375] In June 2018, two family judges ruled the country's same-sex marriage ban unconstitutional.[147]

El Salvador

In August 2016, a lawyer in El Salvador filed a lawsuit before the Supreme Court of El Salvador asking for the nullification of Article 11 of the Family Code which defines marriage as a heterosexual union. Labeling the law as discriminatory and explaining the lack of gendered terms used in Article 34 of the Constitution's summary of a marriage, the lawsuit seeks to allow same-sex couples the right to wed.[376] The Court dismissed the lawsuit in December 2016.[377] A second lawsuit was filed in November 2016.[149]

The 2018 Inter-American Court of Human Rights ruling regarding the legalisation of same-sex marriage in countries that have ratified the American Convention on Human Rights applies to El Salvador.

Estonia

In October 2014, the Estonian legislature, the Riigikogu, approved a civil union law open to both opposite-sex and same-sex couples.[378]

In December 2016, the Tallinn Circuit Court ruled that same-sex marriages concluded in another country must be recorded in the civil registry. However, they do not count as marriages for the purpose of granting spousal residency rights.

Georgia

In 2016, a man filed a challenge against Georgia's same-sex marriage ban, arguing that while the Civil Code of Georgia states that marriage is explicitly between a man and a woman; the Constitution does not reference gender in its section on marriage.[379]

In September 2017, the Georgian Parliament approved a constitutional amendment establishing marriage as "a union between a woman and a man for the purpose of creating a family."[380] President Giorgi Margvelashvili vetoed the constitutional amendment on 9 October. Parliament overrode his veto on 13 October.[381]

India

Same-sex marriage is not explicitly prohibited under Indian law and at least one couple has had their marriage recognised by the courts.[382]

In April 2014, Medha Patkar of the Aam Aadmi Party stated that her party supports the legalisation of same-sex marriage.[383]

As of 2017, a draft of a Uniform Civil Code that would legalise same-sex marriage has been proposed.[384]

Israel

In 2006, Israel's High Court of Justice ruled to recognize foreign same-sex marriages for the limited purpose of registration with the Administration of Border Crossings, Population and Immigration; however, this is merely for statistical purposes and grants no state-level rights. Israel does not recognize civil marriages performed under its own jurisdiction. A bill was raised in the Knesset (Israeli Parliament) to rescind the High Court's ruling, but the Knesset did not advance the bill. A bill to legalize same-sex and interfaith civil marriages was defeated in the Knesset, 39–1, on 16 May 2012.[385]

In November 2015, the National LGBT Taskforce of Israel petitioned the Supreme Court of Israel to allow same-sex marriage in the country, arguing that the refusal of the rabbinical court to recognise same-sex marriage should not prevent civil courts from performing same-sex marriages.[386] The court handed down a ruling on 31 August 2017, determining the issue was the responsibility of the Knesset, and not the judiciary.[387]

Opinion polls have shown that Israelis overwhelmingly support recognizing same-sex unions. A 2017 opinion poll showed that 79% of the Israeli public were in favor of legalizing same-sex unions (either marriage or civil unions).[388] A 2018 poll showed that 58% of Israelis were specifically in favor of same-sex marriage.[389]

Italy

The cities of Bologna, Naples and Fano began recognizing same-sex marriages from other jurisdictions in July 2014,[390][391] followed by Empoli, Pordenone, Udine and Trieste in September,[392][393][394] and Florence, Piombino, Milan and Rome in October,[395][396] and by Bagheria in November.[397] The Italian Council of State annulled these marriages in October 2015.

A January 2013 Datamonitor poll found that 54.1% of respondents were in favour of same-sex marriage.[398] A May 2013 Ipsos poll found that 42% of Italians supported allowing same-sex couples to marry and adopt children.[399] An October 2014 Demos poll found that 55% of respondents were in favour of same-sex marriage, with 42% against.[400] A Pew Research Center survey showed that 59% of Italians were in favour of legalising same-sex marriage.[401]

On 25 February 2016, the Italian Senate passed a bill allowing civil unions with 173 senators in favour and 73 against. That same bill was approved by the Chamber of Deputies on 11 May 2016 with 372 deputies in favour and 51 against.[402] The President of Italy signed the bill into law on 22 May 2016 and the law went into effect on 5 June 2016.

On 31 January 2017, the Italian Supreme Court of Cassation ruled that same-sex marriages performed abroad can be fully recognized by court order, when at least one of the two spouses is a citizen of a European Union country where same-sex marriage is legal.[403]

Japan

Same-sex marriage is not legal in Japan. Article 24 of the Japanese Constitution states that "Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis."[404] Article 24 was created to establish the equality of both sexes in marriage, in opposition to the pre-war legal situation whereby the husband/father was legally defined as the head of household and marriage require permission from the male head of the family

51% of the Japanese population supports same-sex marriage, according to the latest poll carried out in 2017.[405]

Latvia

On 27 May 2016, the Constitutional Court of Latvia overturned an administrative court decision which refused an application to register a same-sex marriage in the country. A Supreme Court press spokeswoman said that the court agrees with the administrative court that current regulations do not allow for same-sex marriages to be legally performed in Latvia. However, the matter should have been considered in a context not of marriage, but of registering familial partnership. Furthermore, it would have been impossible to conclude whether the applicants' rights were violated or not unless their claim is accepted and reviewed in a proper manner.[406] The Supreme Court will now decide whether the refusal was in breach of the Latvian Constitution and the European Convention on Human Rights.

Nepal

In November 2008, the Supreme Court of Nepal issued final judgment on matters related to LGBT rights, which included permitting same-sex couples to marry. Same-sex marriage and protection for sexual minorities were to be included in the new Nepalese Constitution required to be completed by 31 May 2012.[407][408] However, the Legislature was unable to agree on the Constitution before the deadline and was dissolved after the Supreme Court ruled that the term could not be extended.[409] The Nepali Constitution was enacted in September 2015, but does not address same-sex marriage.

In October 2016, the Ministry of Women, Children and Social Welfare constituted a committee for the purpose of preparing a draft bill to legalize same-sex marriage.[410]

Panama

On 17 October 2016, a married same-sex couple filed an action of unconstitutionality seeking to recognise same-sex marriages performed abroad.[411] In early November, the case was admitted to the Supreme Court.[412] A challenge seeking to fully legalize same-sex marriage in Panama was introduced before the Supreme Court in March 2017.[413] The Supreme Court heard arguments on both cases in summer 2017.[414]

As the Supreme Court was deliberating on the two cases, the Inter-American Court of Human Rights ruled on 9 January 2018 that countries signatory to the American Convention on Human Rights must legalise same-sex marriage. On 16 January, the Panamanian Government welcomed the decision. Vice President Isabel Saint Malo, speaking on behalf of the Government, announced that the country would fully abide by the ruling. Official notices, requiring compliance with the ruling, were sent out to various governmental departments that same day.[143][142]

Peru

In a ruling published on 9 January 2017, the 7th Constitutional Court of Lima ordered the RENIEC to recognize and register the marriage of a same-sex couple who had previously wed in Mexico City.[415][416] RENIEC later appealed the ruling.[417]

On 14 February 2017, a bill legalizing same-sex marriage was introduced in the Peruvian Congress.[418]

The 2018 Inter-American Court of Human Rights ruling regarding the legalisation of same-sex marriage in countries that have ratified the American Convention on Human Rights applies to Peru. On 11 January, the president of the Supreme Court of Peru stated that the Peruvian Government should abide by the IACHR ruling.[144]

Philippines

Same-sex marriages and civil unions are currently not recognized by the state, the illegal insurgent Communist Party of the Philippines performs same-sex marriages in territories under its control since 2005.[419]

In October 2016, Speaker of the House of Representatives of the Philippines Pantaleon Alvarez announced he will file a civil union bill in Congress.[420] The bill was introduced to Congress in October of the following year under the wing of the House Speaker and three other congresspersons, including Geraldine Roman, the country's first duly-elected transgender lawmaker.[421]

President Rodrigo Duterte supports the legalization of same-sex marriage, but feels that such a law may not pass in Congress yet as many are still influenced heavily by colonial-era Christian ideals. He also supports same-sex civil unions, which has a higher possibility for passage and is supported by the majority of congresspersons.[422]

On 19 June 2018, the Supreme Court of the Philippines heard oral arguments in a case seeking to legalise same-sex marriage in the Philippines.[423]

Romania

On 5 June 2018, the European Court of Justice (ECJ) ruled, in a case originating from Romania, that same-sex couples have the same residency rights as different-sex couples, when a national of an EU country gets married while resident in an EU country where same-sex marriage is legal, and the spouse is from a non-EU country.[424][425]

Initially, the case was filed with the Romanian Constitutional Court, which later decided to consult with the ECJ.[426] In line with the ECJ ruling, the Constitutional Court ruled on 18 July 2018 that the state must grant residency rights to the same-sex partners of European Union citizens.[427]

Slovenia

Slovenia recognises registered partnerships for same-sex couples.

In December 2014, the eco-socialist United Left party introduced a bill amending the definition of marriage in the 1976 *Marriage and Family Relations Act* to include same-sex couples. In January 2015, the Government expressed no opposition to the bill. In February 2015, the bill was passed with 11 votes to 2. In March, the Assembly passed the final bill in a 51–28 vote. On 10 March 2015, the National Council rejected a motion to require the Assembly to vote on the bill again, in a 14–23 vote. Opponents of the bill launched a petition for a referendum and managed to collect 40,000 signatures. The Parliament then voted to block the referendum with a clarification that it would be against the Slovenian Constitution to vote on matters concerning human rights. Finally, the Constitutional Court ruled against the banning of the referendum (5–4) and the referendum was held on 20 December 2015.

In the referendum, 63.4% of the voters voted against the law, rendering Parliament's same-sex marriage act invalid.[428]

South Korea

In July 2015, Kim Jho Kwang-soo and his partner, Kim Seung-Hwan, filed a lawsuit seeking legal status for their marriage after their marriage registration form was rejected by the local authorities in Seoul. On 25 May 2016, a South Korean district court ruled against the couple and argued that without clear legislation a same-sex union can not be recognized as a marriage.[429] The couple quickly filed an appeal against the district court ruling. Their lawyer, Ryu Min-Hee, announced that two more same-sex couples had filed separate lawsuits in order to be allowed to wed.[430]

In December 2016, a South Korean appeals court upheld the district court ruling. The couple vowed to bring the case to the Supreme Court of South Korea.[431]

A 2017 poll found that 41% of South Koreans supported same-sex marriage, while 52% were opposed.[432] Support is significantly higher among younger people, however, with a 2014 opinion poll showing that 60% of South Koreans in their 20s supported same-sex marriage, approximately double that of 2010 (30.5%).[433]

Switzerland

A same-sex marriage bill is pending in Parliament after the Green Liberal Party of Switzerland,[434] introduced a constitutional initiative to legalize same-sex marriage in December 2013, in opposition to a Christian Democrat initiative banning same-sex marriage. The Committee for Legal Affairs of the National Council approved the Green Liberal initiative by 12-9 and 1 abstention on 20 February 2015.[435] On 1 September 2015, the upper house's Legal Affairs Committee voted 7 to 5 to proceed with the initiative.[436] The National Council's Legal Affairs Committee can now draft an act.

In a poll in June 2013 for ifop, 63% approved of same-sex marriage.[437] After the National Council's Committee of Law Affairs' decision to approve same-sex marriage, two opinion polls released on 22 February 2015 showed a support of 54% (Léger Marketing for Blick)[438] and 71% (GfS Zürich for SonntagsZeitung)[439] allowing same-sex couples to marry and adopt children. Additionally, in November 2016, voters in the canton of Zürich overwhelmingly rejected an initiative seeking to ban same-sex marriage in the cantonal Constitution, with 81% voting against.[440] A 2017 poll found that 75% of Swiss were in favour of same-sex marriage.[401]

In March 2015, the Swiss Federal Council released a governmental report about marriage and new rights for families. It opens the possibility to introduce registered partnerships for different-sex couples as well as same-sex marriage for same-sex couples.[441] Federal Councillor Simonetta Sommaruga in charge of the Federal Department of Justice and Police also stated she hoped personally that same-sex couples would soon be allowed to marry.[442]

The Christian Democratic People's Party of Switzerland (CVP/PDC) started in 2011 with gathering signatures for a popular initiative entitled "For the couple and the family - No to the penalty of marriage". This initiative would change article 14 of the Swiss Federal Constitution and aimed to put equal fiscal rights and equal social security benefits between married couples and unmarried cohabiting couples. However, the text aimed to introduce as well in the Constitution for the first time ever the definition of marriage, which would be the sole "union between a man and a woman".[443] On 19 June 2015, the Parliament recommended that voters reject the initiative.[444] The Federal Council also recommended rejecting the initiative.[445][446] The Swiss people voted on the Christian Democrats' proposal in a referendum on 28 February 2016[447] and rejected it by 50.8% of the votes.[448]

Taiwan

On 22 December 2014, a proposed amendment to the Civil Code which would legalize same-sex marriage was due to go under review by the Judiciary Committee. If the amendment passes the committee stage, it will then be voted on at the plenary session of the Legislative Yuan in 2015. The amendment, called the marriage equality amendment, would insert neutral terms into the Civil Code replacing ones that imply heterosexual marriage, effectively legalizing same-sex marriage. It would also allow same-sex couples to adopt children.

Yu Mei-nu of the Democratic Progressive Party (DPP), who is the convener of the current legislative session, has expressed support for the amendment as have more than 20 other DPP lawmakers as well as two from the Taiwan Solidarity Union and one each from the Kuomintang and the People First Party.[449] Taiwan would become the first country in Asia to legalize same-sex marriage if the Civil Code is amended.

A poll carried out between August and October 2015 found that 71% of the Taiwanese population supported same-sex marriage.[450] Tsai Ing-wen, the President of Taiwan since May 2016, announced her support of same-sex marriage in November 2015.[451]

In October 2016, two new same-sex marriage bills were introduced to the Legislative Yuan. Subsequently, protests have been staged by groups opposing and by groups supporting legalization.[452][453]

On 24 May 2017, the Constitutional Court ruled that same-sex couples have the right to marry, and gave the Taiwanese Government two years to amend the law to that effect. If the law is not amended after two years, same-sex couples will be able to register a valid marriage application in Taiwan.[454]

Venezuela

In April 2016, the Supreme Court announced it would hear a lawsuit which seeks to declare Article 44 of the Civil Code unconstitutional for outlawing same-sex marriage.[455]

President Nicolás Maduro supports same-sex marriage, and has suggested that the Constituent Assembly would agree to legalising it.[456]

Vietnam

In Vietnam, currently only a marriage between a man and a woman is recognized. Vietnam's Ministry of Justice began seeking advice on legalizing same-sex marriage from other governmental and non-governmental organizations in April and May 2012, and planned to further discuss the issue at the National Assembly in Spring 2013.[457] However, in February 2013, the Ministry of Justice requested that the National Assembly avoid action until 2014.[458] At a hearing to discuss marriage law reforms in April 2013, deputy minister of health Nguyen Viet Tien proposed that same-sex marriage be made legal immediately.[459]

The Vietnamese Government abolished an administrative fine imposed on same-sex weddings in 2013.[460] The policy was enacted on 11 November 2013. The 100,000–500,000 VND ($24 USD) fine will be abolished. Although same-sex marriages are not permitted in Vietnam, the policy will decriminalize the relationship, habitual privileges such as household registry, property, child raising, and co-habitual partnerships are recognized.[461]

In June 2013, the National Assembly began formal debate on a proposal to establish legal recognition for same-sex marriage.[462] On 24 September 2013, the Government issued the decree abolishing the fines on same-sex marriages. The decree took effect on 11 November 2013.[463][464][465]

On 27 May 2014, the National Assembly's Committee for Social Affairs removed the provision giving legal status and some rights to cohabiting same-sex couples from the Government's bill to amend the *Law on Marriage and Family*.[466][467] The bill was approved by the National Assembly on 19 June 2014.[468][469]

On 1 January 2015, the *2014 Law on Marriage and Family* officially went into effect. It states that while Vietnam allows same-sex weddings, it will not offer legal recognition or protection to unions between people of the same sex.[470]

International organizations

The terms of employment of the staff of international organizations (not commercial) in most cases are not governed by the laws of the country where their offices are located. Agreements with the host country safeguard these organizations' impartiality.

Despite their relative independence, few organizations recognize same-sex partnerships without condition. The agencies of the United Nations recognize same-sex marriages if the country of citizenship of the employees in question recognizes the marriage.[471] In some cases, these organizations do offer a limited selection of the benefits normally provided to mixed-sex married couples to de facto partners or domestic partners of their staff, but even individuals who have entered into a mixed-sex civil union in their home country are not guaranteed full recognition of this union in all organizations. However, the World Bank does recognize domestic partners.[472]

Other arrangements

Civil unions

Civil union, civil partnership, domestic partnership, registered partnership, unregistered partnership, and unregistered cohabitation statuses offer varying legal benefits of marriage. As of December 2017, countries that have an alternative form of legal recognition other than marriage on a national level are: Andorra, Chile, Croatia, Cyprus, the Czech Republic, Ecuador, Estonia, Greece, Hungary, Israel, Italy, Liechtenstein, San Marino, Slovenia and Switzerland.[474][475] Poland and Slovakia offer more limited rights. On a subnational level, the Mexican state of Tlaxcala, the Dutch constituent country of Aruba and Northern Ireland in the United Kingdom allow same-sex couples to access civil unions or partnerships, but restrict marriage to couples of the opposite sex. Additionally, various cities and counties in Cambodia, Japan and Taiwan offer same-sex couples varying levels of benefits, which include hospital visitation rights and others.

Many advocates, such as this November 2008 protester at a demonstration in New York City against California Proposition 8, reject the notion of civil unions, describing them as inferior to the legal recognition of same-sex marriage.[473]

Additionally, fifteen countries which have legalized same-sex marriage still have an alternative form of legal recognition for same-sex couples, usually available to heterosexual couples as well: Argentina, Australia, Austria, Belgium, Brazil, Colombia, France, Luxembourg, Malta, the Netherlands, Portugal, South Africa, Spain, the United Kingdom and Uruguay.[476][477][478][479]

They are also available in parts of the United States (California, Colorado, Hawaii, Illinois, New Jersey, Nevada and Oregon).[480][481]

Non-sexual same-sex marriage

Kenya

Female same-sex marriage is practiced among the Gikuyu, Nandi, Kamba, Kipsigis, and to a lesser extent neighboring peoples. Approximately 5–10% of women are in such marriages. However, this is not seen as homosexual, but is instead a way for families without sons to keep their inheritance within the family.[482] The laws criminalizing homosexuality are generally specific to men, though in 2010 the prime minister called for women to be arrested as well.[483]

Nigeria

In Nigeria, homosexual activity between men, but not between women, is illegal. In 2006, Nigerian President Olusegun Obasanjo introduced legislation that prohibits same-sex marriages and criminalizes anyone who "performs, witnesses, aids or abets" such ceremonies.[484]

Among the Igbo people and probably other peoples in the south of the country, there are circumstances where a marriage between women is considered appropriate, such as when a woman has no child and her husband dies, and she takes a wife to perpetuate her inheritance and family lineage.[485]

Issues

While few societies have recognized same-sex unions as marriages, the historical and anthropological record reveals a large range of attitudes towards same-sex unions ranging from praise, through full acceptance and integration, sympathetic toleration, indifference, prohibition and discrimination, to persecution and physical annihilation. Opponents of same-sex marriages have argued that same-sex marriage, while doing good for the couples that participate in them and the children they are raising,[486] undermines a right of children to be raised by their biological mother and father.[487] Some supporters of same-sex marriages take the view that the government should have no role in regulating personal relationships,[488] while others argue that same-sex marriages would provide social benefits to same-sex couples.[489] The debate regarding same-sex marriages includes debate based upon social viewpoints as well as debate based on majority rules, religious convictions, economic arguments, health-related concerns, and a variety of other issues.

Parenting

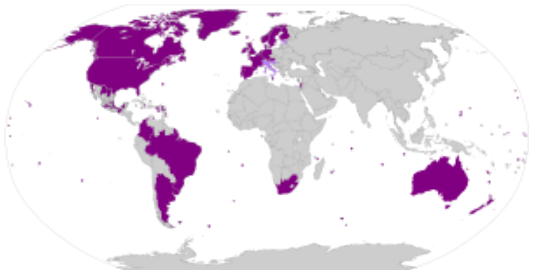
Scientific literature indicates that parents' financial, psychological and physical well-being is enhanced by marriage and that children benefit from being raised by two parents within a legally recognized union (either a mixed-sex or same-sex union). As a result, professional scientific associations have argued for same-sex marriage to be legally recognized as it will be beneficial to the children of same-sex parents or carers.[490][43][491][492][493]

Scientific research has been generally consistent in showing that lesbian and gay parents are as fit and capable as heterosexual parents, and their children are as psychologically healthy and well-adjusted as children reared by heterosexual parents.[43][493][494][495] According to scientific literature reviews, there is no evidence to the contrary.[44][496][497][498]

Adoption

All states that allow same-sex marriage also allow the joint adoption of children by people of the same sex, with the exceptions of Jalisco, Nayarit and Quintana Roo in Mexico. In addition, Andorra and Israel as well as several subnational jurisdictions which do not recognize same-sex marriage nonetheless permit joint adoption by unmarried same-sex couples: Querétaro and Veracruz in Mexico as well as Northern Ireland and Jersey in the United Kingdom. Some additional states allow stepchild adoption by those who are in a same-sex relationship but are unmarried: Croatia, Estonia, Italy (on a case-by-case basis), Slovenia and Switzerland.[499]

As of 2010, more than 16,000 same-sex couples were raising an estimated 22,000 adopted children in the United States,[500] 4% of all adopted children.[501]



Legal status of adoption by same-sex couples around the world:
- Joint adoption allowed[1]
- Second-parent (stepchild) adoption allowed[2]
- No laws allowing adoption by same-sex couples

Surrogacy and IVF treatment

A gay or bisexual man has the option of surrogacy, the process in which a woman bears a child for another person through artificial insemination or carries another woman's surgically implanted fertilized egg to birth. A lesbian or bisexual woman has the option of artificial insemination.[502][503]

Transgender and intersex people

When sex is defined legally, it may be defined by any one of several criteria: the XY sex-determination system, the type of gonads, the type of external sexual features, or the person's social identification. Consequently, both transgender and intersex individuals may be legally categorized into confusing gray areas, and could be prohibited from marrying partners of the "opposite" sex or permitted to marry partners of the "same" sex due to legal distinctions. This could result in long-term marriages, as well as recent same-sex marriages, being overturned.

The problems of defining gender by the existence/non-existence of gonads or certain sexual features is complicated by the existence of surgical methods to alter these features. Estimates run as high as one percent of live births exhibiting some degree of sexual ambiguity,[486][504] and between 0.1% and 0.2% of live births being ambiguous enough to become the subject of specialist medical attention, including sometimes involuntary surgery to address their sexual ambiguity.[505]

In any legal jurisdiction where marriages are defined without distinction of a requirement of a male and female, these complications do not occur. In addition, some legal jurisdictions recognize a legal and official change of gender, which would allow a transgender male or female to be legally married in accordance with an adopted gender identity.[506]

In the United Kingdom, the *Gender Recognition Act 2004* allows a person who has lived in their chosen gender for at least two years to receive a gender recognition certificate officially recognizing their new gender. Because in the United Kingdom marriages were until recently only for mixed-sex couples and civil partnerships are only for same-sex couples, a person must dissolve his/her civil partnership before obtaining a gender recognition certificate, an the same was formerly true for marriages in England and Wales, and still is in other territories. Such people are then free to enter or re-enter civil partnerships or marriages in accordance with their newly recognized gender identity. In Austria, a similar provision requiring transsexual people to divorce before having their legal sex marker corrected was found to be unconstitutional in 2006.[507]

In Quebec, prior to the legalization of same-sex marriage, only unmarried people could apply for legal change of gender. With the advent of same-sex marriage, this restriction was dropped. A similar provision including sterilization also existed in Sweden, but was phased out in 2013.[508]

In the United States, transgender and intersex marriages typically run into similar complications. As definitions and enforcement of marriage are defined by the states, these complications vary from state to state,[509] as some of them prohibit legal changes of gender

Divorce

In the United States of America before the case of *Obergefell v. Hodges*, couples in same-sex marriages could only obtain a divorce in jurisdictions that recognized same-sex marriages, with some exceptions.[510]

Judicial and legislative

There are differing positions regarding the manner in which same-sex marriage has been introduced into democratic jurisdictions. A "majority rules" position holds that same-sex marriage is valid, or void and illegal, based upon whether it has been accepted by a simple majority of voters or of their elected representatives.[511]

In contrast, a civil rights view holds that the institution can be validly created through the ruling of an impartial judiciary carefully examining the questioning and finding that the right to marry regardless of the gender of the participants is guaranteed under the civil rights laws of the jurisdiction.[512]

See also

- LGBT rights by country or territory
- List of same-sex married couples
- Religion and sexuality

Documentaries and literature

- *A Union in Wait*
- *Freedom to Marry*
- *Marriage Equality USA*
- *Marriage Under Fire*
- *Pursuit of Equality*
- *The Case Against 8*
- *The Gay Marriage Thing*
- *Boy Meets Boy (musical)*

History

- Adelphopoiesis ("brother-making")
- Eleno de Céspedes
- The Leveret Spirit

Notes

a. Same-sex marriage is performed and recognized by law in the states of Baja California, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Puebla, Quintana Roo and Mexico City as well as in some municipalities in Oaxaca, Querétaro and Zacatecas. Marriages entered into in these jurisdictions are fully recognized by law throughout Mexico.

b. Same-sex marriage is performed and recognized by law in the Netherlands proper. Marriages entered into there are recognized to some degree by law in Aruba, Curaçao and Sint Maarten.

c. Same-sex marriage is performed and recognized by law in New Zealand proper, but not in Tokelau, the Cook Islands or Niue, which together make up the Realm of New Zealand.

d. Same-sex marriage is performed and recognized by law in England, Wales and Scotland, but not in Northern Ireland. Same-sex marriage is performed and recognized by law in the overseas territories of Akrotiri and Dhekelia, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the Falkland Islands, Gibraltar, the Pitcairn Islands, Saint Helena, Ascension and Tristan da Cunha and South Georgia and the South Sandwich Islands as well as in the Crown dependencies of Guernsey (including Alderney, but not Sark), the Isle of Man and Jersey.

e. Same-sex marriage is performed and recognized by law in all fifty states and the District of Columbia, all territories except American Samoa, and in most tribal jurisdictions.

f. The constitutional courts of Taiwan, and Costa Rica issued rulings in May 2017 and August 2018, respectively, which give their respective national legislatures a grace period within which to legislatively implement the reform (until May 2019 for Taiwan, and February 2020 for Costa Rica). Upon the end of the grace period, same-sex marriage automatically becomes established by law in these countries.

g. The IACHR ruling was issued on 9 January 2018, with Costa Rica becoming the first country in which the international ruling is set to be implemented following a national ruling by the Supreme Court of Costa Rica on 8 August 2018.
The countries which are signatories to the American Convention on Human Rights and recognize the binding jurisdiction of the court are Barbados, Bolivia, Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Suriname.
Dominica, Grenada and Jamaica, which are also signatories to the convention, have not agreed to the court's blanket jurisdiction.

h. Comprises: Neutral; Don't know; No answer; Other; Refused.

i. Of these, only 8% supported banning same-sex marriage. 13% were personally opposed but did not believe it should be banned.

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